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The three greatest poets of this century are, we think, Shelley, Wordsworth and Byron. We place them in what seems to us the order of their merit, though this of course will be a matter of dispute—and it will be a very difficult thing to reconcile opinions where the question concerns minds of such various and different powers. Between the first and last, there can hardly be a doubt as to which deserves pre-eminence—the difficulty lies only between the first two. We are conscious that in thus putting Byron beneath any one, whether of the present time or the past, it will appear to many as a depreciation, arising from ignorance of his works, or an incapacity to estimate them. To this we must submit. We only give private opinion, and oppose prevailing notions; neither from eccentricity or an absurd wish to claim originality, but from conviction. It is but a short time since we so far escaped from the fascination of Byron's muse as to be able to judge of his poetry, or to yield any thing but an unhesitating and impetuous admiration. The feelings were too deeply interested to admit an appeal to the judgment. He stood in relief, beyond all contemporary genius, the personification of human perfections, and only the poet of his age. The voices of all the rest sounded from a distance. They could gain no audience, find no response, in the pre-occupied bosom of his admirer. But time has checked all this: our intensity has died away. And we are now able to compare and class, where before we saw nothing but unqualified perfection. Like removing the quick-

silver from the mirror, we now see through, where before there was only brilliant and gorgeous reflection. These after thoughts come, perhaps, as much from the different relations with society time is apt to create, as from the increased strength of the judgment. Youth has little understanding of good or evil. It may feel the mysterious dominion of moral excellence, without an appreciation of its importance, seeking to gather pleasure from the moment, it does not look beyond the sphere of self, it has no doubts, no scruples; conscience, with its awakening sting of recollections, has not yet become a powerful, even a tremendous principle; there may, or may not be, for it depends much on nature and education, an innate and inward shrinking from the haggard form evil presents, when thought bares its concealed and deceiving features. It is only accident, not discrimination, that leads us, when young, to recoil from vice; not the mere bold and open allurements of the things that gratify sense, but the far more hazardous attractions, that come to us glowing with the beautiful hues of imagination and fancy, and breathing with all the interest intellect can call forth.

In these consisted the danger from Byron's writings. We do not accuse him of a settled design to break down the feeble barriers man has raised to secure himself from the assaults of vice—yet all his efforts had that tendency, and were more effectual than if the world had been aware of his intentions, and could have guarded systematically against systematic attacks. But the venom lay beneath the rose—the poison was concealed by pleasure. Beauty threw a halo over its errors. With our sensibilities roused by the pathetic delineations of sorrow, we stopped not to ask if its source were pure—with our indignation heated by the infliction of wrong, we did not stay our warmth to ask the faults that had produced it—we flung aside the possibility of error—we stigmatized all blame as ungenerous and unjust, and we felt it almost as a personal offence, in any way to assail the being whose soul had become united with our own. Such was the deep enthusiasm of the day; and even now, when time has made colder and more regulated all these feelings, it is like spurning the ashes of a friend, to listen to abuse of Byron's name, though conscious that it is foolish to make him any longer the idol of our fancies, though aware that the altar is broken, and the worship invaded, if not destroyed, by the knowledge of purer and more exalted excellence; yet there is a still lingering sentiment of affection, that forbids harshness and almost merited severity of censure. He was a man of impulse, governed by fierce passions, and, from his rank in society, made early to feel an importance and an independence of opinion, that formed and fostered the disposition to follow the bent of his inclinations. He became selfish, not by his nature, but through circumstances. His rank alone

made him an object of interest ; but when encircled with the splendour of genius, this was increased tenfold. His title brought his poetry into immediate notice. He had not to go through years of labour, anxiety and neglect—his ambition came at once to its goal—he gained in youth the fame that is but sparingly yielded to time and age, and thus heralded by glory and with repeated success, it would have been a matter of wonder if self had not become the subject of his thoughts, and the will been made as feverish, capricious and perverse as the temperament which belonged to him as a poet was excitable. But there were other causes, besides the personal character of the individual, that made Byron's poetry popular. There was a novelty and a freshness and a feeling in it that seemed to harmonize with the times, and to strike the chord that vibrated among the latent sensibilities of men. It was impassioned from the strong passions and intense egotism that were a part of his nature, and it excited a deeper interest from the idea that in his imaginary characters we saw his own. There has never been so remarkable an instance in literary history of an individual fixing the gaze of men so much upon himself, creating an universal feeling, not only of admiration, but of intense love, exciting a constant and pervading curiosity, and casting over the real being a romance and mystery; that it was almost impossible to penetrate; and shrouding, beneath the glory of the poet, the errors and vices of the man. Yet so it was; and during the few years of Byron's life, his sway over the realms of feeling was despotic. But now, the panic of the tempest having subsided, we may judge of the ruin it has produced—we may examine, with the cold acuteness of critics, though with no malignity, the works that have excited so deep a sensation. There is something in the endeavour similar to a review of our own life. There may be remorse and regret for certain parts of it, yet we examine it with tenderness, and do our utmost to subdue the reproaches of conscience, though no shame attaches to our conduct; there may be the darker and more wearing evidence of sorrow; there may be grief for the folly of our blind admiration, and the deep injury with which it affected the mind, yet a sense of joy at the recollection of the intoxicating influence by which we were carried away at the moment. But now that all this belongs only to the past, and to memory,—instead of feeling; and now that the judgment is no longer clouded by excitement, we may view its cause as steadily and coolly, as the astronomer, in the silence of the night, looks on the beauty and majesty of the heavens. With this, the result of time, but not of caprice, the expression of an opinion becomes a duty. It is not that we admire the less, but that our admiration is sobered and shadowed by regret; it is not that our feelings are changed, but that we condemn the feelings

themselves. All passions lead to errors ; and there need be no dislike of the object on which the affections were once fixed, to bring us to sorrow over the consequences of a foolish love ; there need be no alteration of sentiment, but, on the contrary, a conviction that under the same circumstances we should play the same part. Still we may recoil from the evil that has been wrought. It is not disgust, then, but pain—not dislike or anger, but grief, with which we struggle in considering Byron's writings ; and they come not from the unhappy disclosures of his biographer—from the malicious insinuations of his enemies, or the unwise candour of his friends, but from marking their bad effects. Neither calumny nor truth were required to diminish or increase our admiration ; our opinion would have been the same, if all voices had been hushed concerning him. An author, even where he is disposed, cannot always play the hypocrite ; like the veiled prophet, he raises, sooner or later, the web which conceals his character. The soul that can for ever work in the dark, that plays the coward to its disposition, that lies to the world, and is the traitor to its efforts, must lose too much of its power to effect great harm. But a man's works are a sufficient index to the man. The world has no right nor need to go farther.

No one however ever attempted to impose less mystery upon the world as to his designs, than Byron. Each new work was the diary of his latest acts and feelings, whether good or bad, dangerous or useful : they were issued in his poetical bulletin with all the audacity, beauty, and strength, his will and genius could create ; all his hopes and desires, all his errors and excellences, were bared to the view of men as negligently, boldly, and unsparingly, as if he were sketching an imaginary person, and depicting the evil consequences of bad and ill-regulated passions in one to whom he was altogether indifferent. This extraordinary perversion in an extraordinary individual only increased the bad influence of his writings, by extending their popularity. The vanity and the egotism were forgotten in the appeals that were thus made to our own vanity by the entire intimacy in which they seemed to place us with the author ; the feeling not only of acquaintance, but of extreme friendship, that we imbibed as we followed the poet through the impassioned delineations and unfoldings of what was to all appearance self, and not this alone, but what, by a very natural translation became ourselves. Yet there is no point of view in which Byron can be considered, that does not reflect him as one of the most dangerous writers the world has ever known—teeming too with a danger of the worst possible kind. Time will no doubt lessen this, and future readers may take him up with all the indifference with which we now read Rousseau or Voltaire. The fame men acquire from personal

character does not last long; they and their writings become matter of history, but the man and his peculiarities are only subjects of interest to the few, and the main source of Byron's power was in his eccentricities, and the notoriety they gave him; as the vibration of these dies away, the world begins to throw upon him the censure they found far too feeble (to resist him) during his life. There were causes at work, however, that his censors did not perceive, which made it impossible to repel effectually the force with which he invaded the world's moral strongholds. Literature of all sorts is only the type of the times. It sometimes seems to precede events, sometimes only to follow or mingle with them;—still it either comes from, or is a part of the feeling of the day—the power that moves and keeps in agitation the heart of the universe. The circulation of thought may be tranquil and torpid, it may neither meet nor rouse passion, till the advent of some master spirit brings into fierce commotion the languid current of the intellect, and stirs the waters like a tempest. The mind of the world thus finds its vent, and expression for its dormant energies; then follow great events, violent change and revolution, misfortune, regret, and sorrow, deep agony for the ruins of the past, pain for the desolation of the present, and the two constant companions, doubt and hope for the future. Thus Rousseau gave the impulse to a dangerous philosophy, and Voltaire, the arch-fiend of all mischief, with sneers, and ridicule, and sarcasm, assaulted the prevailing opinions of religion and government. The question is, whether they originated much of the evil with which they are charged, or whether they only foresaw, with the sagacity that belongs to genius, the tendency of the human spirit, and seized the moment to work great results, without designing or conceiving the ruin that followed. Perhaps, as there is always wisdom in a charitable conclusion, this should be conceded to them, and though they may never rank amongst those who have done the most good to mankind, yet they will be relieved from the awful imputation of having intended his injury, and removed from the bad eminence of malicious destroyers, to the more humble level of mere mischief makers. It matters not whether these writers blew the trumpet of the wrongs of society, and roused it to avenge itself, or whether they saw the struggling passions of men, the storm gathering in their bosoms, and only became their means of giving it vent; still they stand as the type and emblem of the era. The great event occurred towards which all things were tending; all the elements of society were displaced, all check was removed from the boldest expression of human sentiments, and from that time to this there has been a defiance of order, a ferocity in assaulting it, a disinclination amounting to hatred for all fixed and regulated institutions, that prove the unsettled condition of feeling, how stirring a

future is rising over the destinies of men—how steady, but stern, should be the resistance that is made to the pervading spirit of destruction. We of course do not mean by this to retard improvement—revolution must not be confounded with reform;—nations as well as individuals have the right to remedy evils, but none to make encroachments—yet there is undoubtedly great difficulty in fixing the barrier, in drawing the line that divides the progress of good and the commencement of its opposite; for where things are at the mercy of men and not of principles, it is impossible to foresee how far they may be borne on by the heady impetuosity of passion. Yet till the time when evil is our good, there must ever be principles at work, the advantageous or the dangerous; they are the world's social pivots, and man without them would be like Archimedes with no place to fix the lever, with which he was to move the earth. The three now in action are, the enquiring and doubting, the conservative, the revolutionary or convulsive.

The three poets, whom we have thought the best of the time, represent these various principles. It is singular, perhaps, that poets should be reformers; but it is part of their nature to love freedom; and the strength of the great faculty which governs them, gives their souls a wider circle of sympathies, and lays them more open to the agitation of the moment. They have, too, more hope, more enthusiasm, more impatience, than other men; more readiness of action, more acuteness of perception, and less despair. Every poet represents the spirit of his age; or, with the prophetic sense that his tenderness and benevolence of sentiment create, with indignation at present wrong, the prevailing spirit of an age to come: and poetry, like the sea-fowl that rests upon the bosom of the waters in the tempest, seems to float upon the stormy sea of troubles with as much composure as if it ruled them. Great minds must be brought out or produced by great things; they will always be above and beyond the occasion; they do not rise with every blast that brings foam to the surface, and break like bubbles when the agitation has passed. Thus, Dante was nurtured amid the contending factions of the rival republics of his country; and he wrote his great work in the misery and exile to which they dismissed him. Milton was bred among, and shared in, the civil convulsions of England; and the present century has seen imagination keeping pace with the tumult and distraction of war, encouraging revolution, loosening all the bonds that enchained thought, and freeing the control with which laws and morals kept down the wayward will and evil disposition of men.

Poetry has kept in unceasing action the mental excitement of the universe; and poets, with all the power and ardour, that are a part of their art and character,—with all the fineness of senti-

ment, all the beauty of thought, all the energy of feeling, of which they are the representatives, have mingled in the storm and conflict of political strife, and become politicians. But they have ever embraced the nobler part of the cause. Imagination, that hurries onward from the present to the future, and even puts life into the past, cannot descend to the gross and vulgar views of the selfish and the cold. Whether, in their impetuosity, buoyed and allured by the rapid and deep conviction, the smiles and gladness of hope, they have urged the sudden and instant destruction of prevailing errors, the rude disruption of ties that are created and bound by the most enduring attachments of the human heart ; or whether, in submission to the tranquil counsels of a wiser and a safer judgment, they have advised patience, the difficult, and generally, to the weak spirits of men, almost impracticable forbearance, and abiding fortitude, under suffering and wrong, that time alone is to remove, they cannot be charged with a base or selfish purpose, or as acting from any other motive than the good of men. Byron, the great poetical disorganizer of his day, has, at times, shaken this opinion. But when we consider that he was a being almost entirely of impulse ; and that if he had a sinister and distant motive it would have been almost impossible for him to conceal it ; that for the larger portion of his life, he was the object of contempt and avoidance to the better part of society ; that he was an exile from his native country ; and that even if his natural disposition had been generous, which we almost doubt, we must acknowledge that these were sufficient causes to keep in action his basest and most violent passions. A certain portion of the world made him their foe ; and in retorting on them insults and calumny, his genius made him the foe of mankind. He was the head of a social convulsion. Like all civil strife, from personal bitterness it became a war of extermination. He was the representative of a certain class of opinions ; the incarnate concentration of a fashionable mode of thinking ; of the dangerous sentiments, the exaggerated and distempered feelings, and disorganizing principles, that, under the pretence of assaulting absurdities, were warring with the best interests and shattering the noblest institutions of men. We make every excuse for a disgust at antiquated errors, the tyrannic rule of custom, and the servile submission with which it makes the best energies of the human soul to bend. The increased intellectual activity, the diffusion of acquirement, the whole spirit of the times were against them ; but these are things at which the finger of scorn should never be pointed : let time alone be their destroyer, let thought and reason be their only innovators : but while they are intended as blessings, and no man appears able to offer a substitute, let them stand untouched. The great design with all superior intellect, all minds that can instruct, and draw from the

deep resources of their intelligence, should be to elevate human character, give it hope, give it support. The influences of the world are base and depressing enough, and require no additional power, utterly to wither the already despairing expectations of mankind; but to cast ridicule and scoffing on the little that is pure, the little that is holy, is at once to rear high the battlements of hell over the ruins of the human spirit.

The influence of this poet's writings went to this end. The times were filled with action, and passion, and convulsion. He felt the movement, took the tide, and was borne like a bubble on its surface. He aided and gave impulse to the heady current of revolution. His extraordinary popularity as a writer mingled him with the affections of the public. It wrought into their souls the doubt of the existence of virtue as a principle of action, and all the ribald jests and sneers with which he assaulted the motives of men and their institutions; it gave a vicious bias to the principles and the characters of the young; and it will only be with time, the decay of his name and works as a fashion, and an admiration for a higher standard of morals and purer sources of poetry, that an entire change in these effects may be expected. These fountains of better poetry and morals we open in the works of Wordsworth and Shelley. During the ascendancy of Byron, and the confusion he created, these two poets were for the time nearly overwhelmed; but they were forming a strong though tranquil under current, deeper, though less observed—more powerful, though never swelling with the turbid fury and impetuosity that belong to those who are the idols of the mass. But they were gradually making their way, and if they are not now, will be in a few years, more read than any poets of the time. We are inclined to think that in all the higher matters of taste, popularity is suspicious. There is something low and debasing in catering for the majority at all. It shows a desire for the worst part of fame—its notoriety—that in itself betrays a vulgar and feeble mind. No one would ask the judgment of the mob alone, and no one would feel exalted by its praise; yet to gain it he must bring his intellect to their level, he must reduce the fineness of his sentiments, the energy and elevation of his feelings, all that he feels within himself separating and distinguishing him from those around, to the meagre standard of general opinion. Is there a single great work, of whatever nature, on whose merits the mass of men are able to decide? Would Raphael have hung his picture in the streets of Rome; Dante have thrown his poem as a peace offering to those who drove him from the walls of Florence; or Milton offered the result of his toils, whose every line, like the rays of light, is wrought with a beauty, brilliancy, and power, that show the deep effulgence, the magnificence, and the vastness of the orb whence they spring,

to the crop-eared fanatics or profligate cavaliers, that formed the rude and fierce factions of his country, undoubtedly not ; and whoever is conscious of an inward power, a genius that he is well aware the world will not appreciate, let him not strive to subdue its struggles for expression—check its impulse and compel it to a career that from being uncongenial must wither every effort. From the great variety of human character, comes equal variety of tastes, and there is nothing in nature or intellect but will find a congenial alliance. But all minds when exerted in a sphere to which they are ill disposed, lose half their power. The will is backed by no zeal, there is straining for effect without the ability to produce it. There is no ease, no grace, no repose, in these extorted labours. The strongest minds will not yield to the whim or fashion of the moment. They seem borne up by a strength of conviction and energy of will, that resembles inspiration. They mark their course and adhere to it, through opposition and persecution, with a pertinacity that becomes obstinate in proportion to the violence with which it is assaulted. Heretofore literature was only meant for the few. The great men of the past looked to immortality, but not to popularity ; they could not imagine the enormous multiplication of readers, but gave their souls to the world, with no hope that time would enlarge the sphere of their intellectual influence, or make their thoughts flow onwards in an incessant pilgrimage to the shrine of mind. They made no offerings to the passions of the hour, but like legislators seemed to be ever looking to the future. They gazed into the abyss of time, and saw moving in its depths, not the countless multitude of the gleaners of thought that multiply with the improvement of old empires, and the creation of new, but the limited few ; the small brotherhood of congenial spirits, who, stood divided from the world and its interests—who loved study for itself, not for the fame it gave—and gathered around learning as the altar where all their affections were warmed—all their feelings purified—all their hopes elevated or sacrificed. This state of things has not yet passed away—and whoever has the courage to forego the intoxicating gratification of an immediate and premature reputation, and to permit his genius to take its course, will find, or make an audience. There are two things belonging to every work, that seem to require distinct faculties ; the conception, and the execution ; with the first, the majority of men have nothing to do, the last, is their only ground for admiration, criticism, or calumny ; yet it is the first only that shows the mind—the last is matter of detail, of industry and habit. The first proves the power of imagination, the strength and extent of the intellect ; the second, dexterity in managing the materials. But who, except some congenial soul, can appreciate or comprehend all that the imagination has gone through—the far world it has

traversed, the glories it has seen, the whole stupendous energies of this amazing and sublime power. It is only when it drops to earth, arrays itself in the dress of every day life, and addresses the passions and interests of men, and mingles in their humble pursuits, that it is capable of exerting an influence or drawing attention. It is only when it is no longer imagination, when it has deserted its realms of spirit, shrouded its splendour, and drawn over its starry vesture the garb that dims its beauty, adopting the plain, regular, and unpretending movements and appearance of one of the sons of earth, that it can touch their passions, or be viewed as little else than monstrous. Are there not examples and evidence of this, among the greatest poets? Dante is thought wild and absurd; Milton, cold, formal, and solemn; and Shelley, as beyond these, and almost mad, because they have given the reins to imagination, and roamed through spheres and space, so boundless, so obscure, that the common view cannot track them. But why is this attempt to degrade these great spirits? Is it forgotten that they have created new worlds? Why should that be matter of reproach that gives to us the hope of great destinies—that in increasing our admiration of the powers of the human soul, leads us to elevate its nature, inspiring through their glory the sense and desire of immortality? It is true, we believe there are things so vast and so extraordinary, that men refer their existence to accident. Their thoughts being unable to extend beyond what they see, they lose all conception of the creator, in the creation; men look on the ocean, the earth, the heavens, and admire the beauty, the magnitude, the order, the arrangement—but stop there! they neglect, or deny, or attribute to some inferior principle, the origin of this great whole; for the love of depreciation comes from and grows with our ignorance. We have no fondness for the incomprehensible, no understanding for the invisible. All that will not rest on the columns of our intellect, we throw into the regions of speculation, scepticism, and doubt; and thence it is, that the greatest minds, unless they adapt themselves to this their earthly sphere, have but a small circle of admirers, and remain forgotten or unknown. This was particularly the case with Shelley. Almost the sole notice his works attracted, was confined to abuse. Those who confessed that they did not understand him, that he was too abstract to be popular, still calumniated and persecuted with an envenomed fury, that seemed to have a personal source; while his inferior, Byron, was allowed to fling his scoffs and sneers on all that was admirable in human character and human institutions, and distil his profligate wit into the senses of the world, till they were steeped in its poison; yet he was cheered and praised.

"When he speaks,
The air, a chartered libertine, is still:
And the mute wonder lurketh in men's ears,
To steal his sweet and honeyed sentences."

While the unworldly Shelley was made the victim to detraction, and driven to a solitary exile, by those who pursued him with hatred, yet who did not know him, and had the honesty to acknowledge his writings could do no harm.

This unmanly and cowardly conduct can only be attributed to base causes; the chief, a spirit of illiberality that then pervaded the literature and politics of Great Britain, and which admitted no enquiry, and always attempted to break down all freedom of thought whenever it rose in opposition to and assumed an independence of certain opinions that had long monopolized the highways of intellect. The antiquated jurisdiction, this prescriptive right of judging, that listens to no appeal, but brings before its tribunal, errors as crimes, the questionings of an anxiously seeking mind as dangerous heresies, doubts that rise in the progress of study, and are the impelling forces towards farther knowledge as expressive of the disposition to unloosen the bonds of habitual faith, and put in motion, to wander the broad field of enquiry, the most vicious elements of our nature, is now moderating its tone with the loss of its influence. The refined, antique toryism that enchained literature and morals, and gave to its dictates and decisions the imperiousness of law, though one of the best guides for public opinion, and safest sources for the moral power of a nation, is rapidly passing to a shadow, before the turbulent excitement of men's minds; and the diffusion, or with more propriety, the levelling of knowledge. The last strongholds of this worthy and honest feeling in England, are the two universities, Oxford and Cambridge; the first, however, is its oldest, strongest, and most impregnable fortress. There are preserved, with most religious respect, the skeletons of old forms, the phantoms of a grandeur, whose substance has been withered by time; yet still bears, like a mummy, the external aspect of life and power, from having been embalmed by pure principles, which suffer no corruption from age, though they may lose their vigour by neglect and want of occasional excitement. Theirs is the apathy of long self-satisfaction, the torpor of self-complacency, that come from an uninterrupted rule, and which allow the blood to stagnate in the very centre of their energies. Still to these places of instruction, the ardent and aspiring youth of England go; there they imbibe prejudices which intercourse with the world compels them to dismiss, and there they acquire a character and habits that after circumstances necessarily modify or entirely change. We allude, of course, to the general effect on the nature and principles of the young men educated within the

walls of those two celebrated schools. They are, beyond a doubt, the two noblest institutions of the world: yet there is much in them which is behind the times, and which probably will not be able to resist, long, the wide-spread spirit of reform. To Oxford, at the usual age, Shelley was sent,—a mild, retiring boy, eager for knowledge, fond of seclusion and study, generous and benevolent, and with every element that gains respect or achieves distinction,—but with two most dangerous qualities, a most extraordinary enthusiasm, and an equally remarkable eccentricity of disposition; and, as almost a necessary consequence of the first, a wonderful susceptibility to all impressions. These were the sources of his misfortunes, if this word can apply to events that detract but little from him as a man, when we know they were the result of sincerity in his opinions, and probably contributed to the energy of his mind and thence to his fame. Oxford seems, at first, to have been sufficiently congenial. He liked the place and the kind of life; but he tired of the discipline, the painful and exacting routine, and the being compelled to bring his own taste to the level of that of another; to subdue all inclinations, and measure all desires, at the will of some one who excited no respect, regard, or interest. This soon became a cause of interruption to the harmony and happiness of his collegiate career.

“They are a very dull people here; a little man sent for me this morning and told me, in an almost inaudible whisper, that I must read: ‘You must read,’ said he, many times, in his small voice. I answered that I had no objection. He persisted; so to satisfy him, for he did not appear to believe me, I told him I had some books in my pocket, and I began to take them out. He stared at me, and said that was not exactly what he meant: ‘You must read Prometheus Vincetus, and Demosthenes de Corona, and Euclid.’ ‘Must I read Euclid?’ I asked, sorrowfully. ‘Yes, certainly; and when you have read the Greek works I have mentioned, you must begin Aristotle’s Ethics, and then you may go on to his other treatises. It is of the utmost importance to be well acquainted with Aristotle.’ This he repeated so often that I was quite tired, and at last I said, ‘must I care about Aristotle? what if I do not mind Aristotle?’ I then left him, for he seemed to be in great perplexity.”

The above scene, which we extract from some memorials of Shelley, written by an early friend, is extremely interesting, as giving, at one view, his character and that of the institution—the entire opposition between the two spirits. The one a man of forms, a dull, priggish tutor—feeling his importance and trying to impress it on his pupil—the other a child of genius, struggling with an amiable desire to meet the wishes of one, who, for the time, had the right of control—yet, with an open disgust at the recommended studies. Shelley’s despondency at the command, and the necessity of attending to it, with the pert self-

sufficiency of manner, and true pedagogue mode of issuing the mandate, are such as most can appreciate, and from which few have escaped. It was not that he recoiled from the difficulties of the authors, but from their dulness, and that he shrank with utter repugnance from the subjects they treated, and was utterly indifferent to the information they contained. He was a remarkably fine scholar and a most intense student, consuming sixteen hours out of the twenty-four in his intellectual toil; but from the peculiar structure of his mind, he required that the study should be one that met his enthusiasm, or encouraged some speculation in which his imagination and fancy were excited, and all his faculties engaged. The secret of his being was in the inordinate strength and excitability of his imagination; his peculiarities, that seemed to indicate the existence of but a slight barrier between sanity and madness, were from this source; for, unlike colder and calmer minds, that generally, after a certain age, give way to the opinion of the world, and allow themselves to be so far subdued as to sink to the level of the mass around them, he could never follow the impulse of thought or feeling imposed by another, nor share the heartless occupations, or waste his energies upon the dull formalities of life. It was essential that the heat of his soul, and the elevation of his spirit, should find a response, but neither could bear those harsh, repulsive shocks we encounter from the bare realities of the world, and which lower the tone of sentiment, diminish the sensibility, and cast the finest powers into the common mould, where the individual existence loses itself in that of the many. It is at all times difficult to trace to their sources the peculiarities of any nature; even those who are not above the sphere in which they move, who have no social or intellectual distinction, still possess metaphysical niceties of character, that elude the closest scrutiny. Almost all men are led by some one faculty. The two most powerful are the imaginative and the reasoning, and the world may be classed under these two great distinguishing heads, though there are certainly very remote differences with the vast variety of individuals who form them; and then the physical organization which moulds the passions must be considered, for it is from these, their coldness or impetuosity acting with and to some extent governed by the merely mental qualities, that the entire individual character is created. Yet from the myriads who have existed, or from the many who now exist, how large is the number that can be selected to give to us the most distant hint as to their real nature, and the design of their being?—for mankind appear like little animals, playing on the bosom of an unruffled sea, now and then put in motion by a superior existence, but for the most part playing with time and awaiting their destiny in all tranquillity. They seem to live calmly—hopelessly—seeking nothing

beyond their present state—forming no vivid hopes—awakening to the impulse of no strong desires—but in the apathy of a deep content, that renders extraordinary action nearly impossible, and gives to remarkable conduct, and the display of unusual energies, the appearance of wild absurdity. Circumstances, the business of life and its necessary duties, with the natural indolence of man, offer some excuse for this condition. For the first, very often, compel us to a course so opposite to the one we wish, that despair, utter despondency, and a blank indifference, with the more fatal wasting of our powers, follow in the perverted channel of our hopes; the second, by engrossing the attention, subdues all sensibility, and impels the whole mind towards the things solely connected with self; the third brings on that inaction and languor, both of passion and sense, that do not admit of our shaping a vigorous form, even from the materials we possess. So that the mass of men exist on one uniform level, showing, to him who seeks, the essence of their nature; but the dead sea of all existence, their souls, rise not beyond the pervading torpor that weighs, with its leaden repose, on the universal mind; and but one circulation of life, but one stream of thought, seems to flow within and through vessels that lead to the centre, which animates it. Still, it is almost impossible to doubt but that there is, with all men, a very subtle individuality, though, from the terms on which they hold their being, it is difficult to seize or unfold it. It is only then among the greater minds that have less in common with the inferior, that it is possible to mark distinctive peculiarities, though with them it is exceedingly difficult to divine the origin of all that seems so strange and wonderful. Even these, earth's governing spirits, are not exempt from the influences that affect their followers. Education, with its early hues, that as life advances deepen and darken, shadows the mind it has assisted to form; circumstances that the most powerful cannot resist, mere accidents in the diary of life, turn to important events, and alter, like the ocean's counter currents, the course on which we were moving, and fling us into the tide's opposing eddy.

To these all must submit. The strong intellect hardly has a resource more than the weak; it cannot disencumber itself, though struggling with the firmest determination to do so, from these, seemingly, to the superficial observer, gently binding webs, but which multiply their coils, and draw around us, still firmer with time, the folds that at length gather over and impede the movements of the spirit. It is such influences that modify and reduce to great uniformity the mass of mankind; but from the conflict with these influences, the struggle between our disposition and our destiny, come the errors and the eccentricities of genius; those dark humours, those fierce out-

pourings of a proud and gloomy spirit, which cannot brook submission, or bear, with resignation, the humiliating sense, that its position and its powers are wrongly placed and wrongly judged. With this clue, however partial in reality, we may be able, to some extent, to develop the character of any extraordinary man; and it is a test like this with which we may strive to lay open the source of the peculiarities, and all the engaging, all the apparently repulsive qualities, all the inconsistent and uncommon conduct of the man, and all the beauty of the mind of Shelley.

We are aware that in speaking of him we shall stir very strong prejudices. His early conduct, and his more mature opinions on subjects that the wisest consider as involving man's deepest interests, have given to his name an unfortunate celebrity, and a reputation that the most liberal must regret, the more moral portion of society regard with suspicion. Yet if there are any who should know how to forgive, it is those who have the best right to condemn. But in this instance there is every excuse, every motive for pardon, that youth and inexperience, a deep love of truth, a strong spirit of enquiry, and an openness to conviction, can create. There was no expression of doubt, no scepticism for the mere love of argument, or for the sake of singularity. But he could not yield to the reasonings and the faith of others, because he saw sources of hesitation which others, perhaps, could not reach, or which they declined trying to open with the keen edge of reason, feeling satisfied that their powers were insufficient. There is a great difference between one who struggles with his whole soul, to develop the deep mysteries that encompass his being, that lie around and beyond him, that belong to the visible and the invisible, are partly matter, partly spirit, and one who falls supinely on the faith that is given him, without seeking farther than those barren limits the human intellect has formed—without roaming on those high quests that lose us in their vastness, and make us droop with their difficulties. We do not say that it is wise, thus to question of things that give no response, to send the soul among the dark confusion of unintelligible existences, the wild chaos of dim uncertainties, and try to grasp the very foundations of creation and the worlds that lie beyond. It may not be wise thus to ascend among the realms of light, where it was never intended the human mind should move, while it holds its present relations, and where all it gathers is still farther doubt as to its nature and powers, a still stronger confirmation of its ignorance and incapacity. But there are spirits that appear to have no home upon the earth, who cannot so control themselves as never to burst the bonds of mere reason, and float with glad wings in the far spheres of speculation. They love the mysterious—all that is without the scope of thought—where they may hazard

the wildest fancies, and follow all their strange suggestions, engage among those transcendental wonders, where imagination, like the eagle, seems to rise towards the sun's eye and enter the depths of its blaze and glory.

Of this cast was Shelley. And no poet ever seems so completely to have lost himself in the wild abstractions of his brain—to have removed himself so far from the sphere in which he lived, or to have held counsel with creations so totally different from those about him, as to make the world and life but matters of inferior consideration. His thoughts were seldom of, or on the earth; they were gathered in regions where others were strangers—they were expressed in a way that showed their dreamy and distant origin; and altogether his mind seemed to be as far removed from this orb, as is consistent with the possession of sanity. He was indeed a visioned poet in his dreams, with no grossness, no sensuality, but with every mental operation bearing the blush of that beauty and refinement that were parts of his nature. He was truly the poet of intellect and feeling, but not of passion, in its common sense. Poets seem generally acted on from without. From the acuteness of their sensibilities all external things have a deep influence, and they are moved as the harp by the wind. But it was not so with Shelley. He was purely a creature of imagination—a being so spiritual that he and the world had nothing in common; their only bond was in the higher powers of mind—the purity of moral excellence—of sentiment, and all that was great or exalted; but through nothing that partook of earth or its energies. Thence he was cut off from the common lines of communication with his fellow creatures; and save the communion of a few who could understand the order of his character, his soul lived in solitude, without sympathy or its solace.

By all those who have the presumption or the courage to mock at this species of intellect, it should be remembered, that they are not, themselves, persons of genius; that they are united by no common bond with such; that they hold no power by which they can unravel the workings of a great soul, or enter the recesses whence all that is marvellous in its passions and its energies is made to flow. Genius is in itself a mystery; a wonderful endowment, and first of all created things. Whatever may be its real nature, which it is not given to man to know, it forms the sole link between him and the spirit of the universe. This is enough to show its importance in the scale of things, though it does not declare its destiny. There should be, then, great caution, in ridiculing its peculiarities, for these are not acts of volition, but parts of its very nature. Because it dares to rise beyond the realities of ordinary existence, to question of the great intent of all it sees, and search out their origin, however

wild it may seem to those who are content with the humble offices of their inferior intellects, there need still be nothing absurd in the endeavour,—it may be, as indeed nearly all the movements of genius are, an impulse it cannot resist, coming with the strength and heat of inspiration ; something ordained to enlarge the bounds of mind, and add, as has been done, by the discovery of new bodies in the farthest parts of the heavens, to the knowledge of man, to the light that now gleams but dimly over the wishes of his spirit, and the prospects of his being. All should judge of the eccentricities, the perversities, the apparent inconsistencies of a great soul, with benevolence, and decide on them with mercy. There is, undoubtedly, a feeling of humiliation, even of despair, in viewing those errors, and dangerous aberrations that often mark the course of the greatest intellects, and which overshadow the hopes that inferior minds are disposed to affix to their high powers, and cloud the destinies that sometimes break upon us, in following the track of the highest order of intellectual greatness. But it is, perhaps, only when the deviations are from the path of morals that they should be judged with severity. Then all can be their censors ; but in things relating exclusively to the movements of mind, censure should be cast on them in the spirit of kindness and pardon. It is given to few to conceive, to still fewer to feel, the influences that act on such beings from within and from without ; the keen susceptibility, the dark and even fierce aspirations, the wild wanderings of a tortured spirit, when in its moody moments it meditates on the inefficiency of all its efforts to discover, by thought, more than fancy has already suggested, or to shape from the records of its knowledge a more certain and less obscure evidence, as to all relating to its position and its prospects. It was in some of these moments of deep despondency, that Shelley expressed himself an atheist. His mind was ever directed, even at the earliest age, towards the most abstruse and the loftiest speculations. There was no love of trifling, nothing humorous in his character ; but all his faculties were intensely bent on matters that concerned the welfare of his species,—on subjects that a humble reason can grasp, though they may be made to blend with the wildest metaphysical absurdity ; and where that which belongs to the common affairs of life becomes irradiated by imagination, and the real, obscured by intermingling with the fanciful. At Oxford he involved himself in the doctrines of Plato ; and, like most imaginative persons, was impelled, in the heat of enthusiasm, to yield an implicit faith and give an actual existence to the visions of his brain. He believed, with that philosopher, that all knowledge is reminiscence ; that our immortal part has belonged to some predecessor ; and that our minds, instead of gleaning for themselves, the

little that they know here, are only renewing the memory of forgotten thought. To one who fully believes this doctrine, it is necessary to suppose infants in the possession of a mature intellect, and that they are the incarnate representatives of some former life. We will make another extract from the records we have before quoted, that delineates, very strongly, the singularly enthusiastic and imaginative character of the poet.

"One Sunday we had been reading Plato together so diligently, that the usual hour of exercise passed away unperceived: we sallied forth hastily to take the air for half an hour before dinner. In the middle of Magdalen bridge we met a woman with a child in her arms. Shelley was more attentive, at that instant, to our conduct in a life that was past, or to come, than to a decorous regulation of the present, according to the established usages of society, in that fleeting moment of eternal duration, styled the nineteenth century. With abrupt dexterity he caught hold of the child. The mother, who might well fear that it was about to be thrown over the parapet of the bridge into the sedgy waters below, held it fast by its long train. 'Will your baby tell us any thing about pre-existence, madam?' he asked, in a piercing voice, and with a wistful look. The mother made no answer, but perceiving that Shelley's object was not murderous, but altogether harmless, she dismissed her apprehensions and relaxed her hold. 'Will your baby tell us any thing about pre-existence, madam?' he repeated, with unabated earnestness. 'He cannot speak, sir,' said the mother, seriously. 'Worse and worse,' cried Shelley, with an air of deep disappointment, shaking his long hair most pathetically about his young face: 'but surely the babe can speak if he will, for he is only a few weeks old. He may fancy, perhaps, that he cannot, but it is only a silly whim; he cannot have forgotten entirely the use of speech in so short a time; the thing is absolutely impossible.' 'It is not for me to dispute with you, gentlemen,' the woman meekly replied, 'but I can safely declare that I never heard him speak, nor any child, indeed, of his age.' Shelley sighed deeply as he walked on. 'How provokingly close are those new born babes,' he ejaculated: 'but it is not the less certain, notwithstanding their cunning attempts to conceal the truth, that all knowledge is reminiscence: the doctrine is far more ancient than Plato, and as old as the venerable allegory, that the muses are the daughters of memory; not one of the nine was ever said to be the child of invention.'"

With all his feelings and thoughts engaged in subjects such as these, and with the habit of severe study and deep thinking, it was not possible that the one topic, which transcends, in interest and importance, all others, should have been passed over idly,—the existence of a Deity. With a large portion of the world it is a matter seldom dwelt upon. So much of life is mere habit, that the human view is not often attracted beyond the affairs of daily occurrence; but with minds of a higher order it is one of the things on which they meditate the most frequently, the earliest, and the most anxiously. Shelley very naturally became, at an extremely early age, an inquirer into the mysteries that surrounded him. He regarded nothing with indifference that seemed to bear on man or his interests;

every sentiment seemed to float on a tide of the most cheerful and unbounded philanthropy. The whole moral beauty of his character was displayed in the nobleness of his purposes and the enthusiasm with which he pursued them. Religion, God, the present and everlasting condition of his fellow creatures, appeared, in the eagerness with which he studied them, to be blended with the very fruition of his existence. But his spirit of enquiry was directed by a pure and benevolent impulse; there was none of the coldness of Hume; none of the malignity of Voltaire, nor of the cowardly cunning of Gibbon. He professed his opinions openly, and though with the audacity of youth and inexperience, still with all its honesty. He had no reserve,—his heart lay bare, and though, without doubt, the opinions in themselves were dangerous, even uprooting the very basis of society, yet much of their venom was removed by their candour, the sincerity with which they were expressed, and the readiness that was equally displayed to be made their martyr. Queen Mab, the work in which these heresies were first given to the world, was published without his consent, and after he had retracted many of its worst sentiments. He should stand, therefore, excused from all design of doing harm, and even from blame that he ever held such notions, since they were no longer his at the time of their publication.

We know how to comprehend the process by which a *young man* may become an atheist or an infidel. The ignorance and impetuosity of youth—his daring will and strong passions, are unfortunate and imperfect elements for the construction of a belief. The desire of knowledge does not point out at once the way to gain it, and a violent and hazardous struggle hence ensues in a mind that questions of its momentous interests, between its feeble powers of judging, and the rash rapidity with which it bounds to a conclusion. Every youth, whose intellectual aspirations rise to the questioning the awful and inscrutable things he is told that he must believe, takes upon himself a tremendous task. It is easy, as it is common, with all who reflect but superficially, to throw themselves on the negative energies of doubt. It requires no waste of time or mind to entrench one's self there. Every anxious misgiving, all noble desire of knowledge, is at once quenched in the deep tranquillity of that passive and supine condition. Yet nearly all young minds make it their strong hold for a time. Never having encountered the fearful difficulties of thought, they attach but little interest to subjects of whose importance they are not aware, and which exact from the most powerful intellects the strongest and most serious reflection. Even with those who give all the attention they can, and in the sincerest spirit of truth, there is a

wide circle, a dark and dangerous tract to go through—first of enquiry, then of doubt, then of infidelity, before the reason is satisfied; and the agitated feelings, hope and despair, settle on the unruffled bosom of faith. Not unfrequently the miserably troubled state of dissatisfaction and uncertainty lasts through life. The soul plunges itself into the purgatory of a false and feeble judgment and a confused reason, leaving every difficulty still more obscure, every danger still farther increased, every doubt stronger, every hope diminished. The paths of reflection grow more tortuous and indirect, and the same spirit that began its course in the headlong speed of young desire, in conceit and with rash reliance upon its own energies, lies broken and subdued before the impediments that rise like battlements, staying its advance or its receding. But this state comes more often when doubting has become habitual, and irresolution almost instinctive, for the clearest and soundest and greatest minds, so far as is known, seem never to have doubted, or to have satisfied themselves early.

“I had rather believe all the fables in the legend, in the Talmud and the Alcoran, than that this universal frame is without a mind.” And the mind that dictated these words is sufficient in itself to establish the belief in a God. Its own marvellous greatness is overwhelming testimony. But an atheist is a moral and intellectual excrescence, he closes against himself all the inlets of knowledge; his senses and his affections are bound down by the cold rigour of his intellect, and its inordinate and absurd demands. In the fact of his being so, he shows himself of a weak judgment. He brings forward no evidence to prove his point. All the arguments against him are positive. All those he adduces merely negative. The thing has not been made evident to him; therefore he does not believe it. It has not been brought within the experience of his senses; it has not been, or cannot be inspired by his reason; there are things incompatible with the existence of Deity, such as man would make him, with the power, the perfection, the benevolence they declare to be his attributes, why not make the revelation of his will and his designs more thorough, why not unfold this vast universe of miracles to human view? If we are immortal creatures, though we seem but atoms amid the boundless space of the stupendous whole, why not declare our destiny? and with reasons such as these, and such audacious questioning, the atheist hopes to unsettle the faith and overturn the system of morals the civilized world has adopted. But how can he answer when he is asked, are there not mysteries throughout all creation your conceptions and your understanding cannot reach?—is not the daily course of the world and life beyond your comprehension?—is not the smallest, as well

as the greatest incident, the earthquake or the tempest, the vast firmament, on whose abyss an infinite multitude of worlds seem to repose as gently as the bird upon the bosom of the air, the wide sea and the minute insect, are they not all equally beyond your capacity? Yet you can deny a creative Deity to these, a spirit presiding over their birth and upholding their existence, because you cannot understand it—because neither your sense nor reason can seize their deep mystery. But turn from the contemplation of vast objects, that subdue our intelligence in their immensity, and pain us in the agony of comprehension, to yourself; study and try to account for the movements of your own mind, bend all your attention to the metaphysics of your own soul, struggle with the remote links of cause and effect in the sphere of your own nature, try to catch the obscure association of ideas, all the various wonders that envelope and mingle in our brief and counted being. Do we arrive at any other result than the assurance of our complete ignorance, and the existence of some power transcending all we know or can conceive? And what other revelation is required, than the proof of the humbleness of our intellect, and its complete incapacity for that knowledge; and therefore its absurd audacity in doubting and questioning?

But Shelley's atheism was of an ideal nature: he felt that there was a power pervading and governing all things, but he knew not how to distinguish it, for he discarded all the common ideas that men attach to such a being, but worshipped it with all the deep homage, with all the elevation of feeling his imagination could produce—and endowed it with all the perfection, all the beauty that was imaged in his own soul. It was impossible for him not to acknowledge, in accordance with the sensibility that animated his mind, and the disposition to admire and even venerate, that was one of his strongest characteristics, the surpassing grandeur, the wide spread loveliness and majesty, that were inwrought with creation. He saw and he felt these, and thence came his impassioned sense of the great Author of all—and the conceptions that so far transcended those of other men. But he threw by all the attributes usually attached to him, except those of perfect benevolence and perfect excellence. It seems not to have been possible for him to conceive that all that was base in human nature, all crime, all vice, all misery, could be designed or flow from the same source whence sprung the loftiest virtue and the purest good.

“Hath nature's soul

That formed this world, so beautiful, that spread
Earth's lap with plenty, and life's smallest chord
Strung to unchanging unison, that gave
The happy birds their dwelling in the grove,
That yielded to the wanderers of the deep

The lonely silence of the unfathomed main,
 And filled the meanest worm that crawls in dust
 With spirit, thought, and love ; on man alone,
 Partial in causeless malice, wantonly
 Heap'd ruin, vice, and slavery : his soul
 Blasted with withering curses ; placed afar,
 The meteor happiness that shuns his grasp.

* * * Nature ! no !

Kings, priests, and statesmen, blast the human flower
 Even in its tender bud ; their influence darts
 Like subtle poison through the bloodless veins
 Of desolate society."

On this beautiful earth that he formed into a paradise,

" All things speak
 Peace, harmony, and love. The universe,
 In nature's silent eloquence, declares
 That all fulfil the works of love and joy—
 All but the outcast man.

Is mother earth
 A step-dame to her numerous sons, who earn
 Her unshared gifts with unremitting toil,
 A mother only to those puling babes
 Who, nursed in ease and luxury, make men
 The playthings of their babyhood, and mar,
 In self-important childishness, that peace
 Which men alone appreciate ?

Spirit of nature ! no.
 The pure diffusion of thy essence throbs
 Alike in every human heart ;
 Thou aye erectest there
 Thy throne of power unappealable ;
 Thou art the judge beneath whose nod
 Man's brief and frail authority
 Is powerless as the wind
 That passeth idly by :
 Thine the tribunal which surpasseth
 The show of human justice,
 As God surpasses man.

Spirit of nature ! thou
 Life of interminable multitudes :
 Soul of those mighty spheres
 Whose changeless paths through heaven's deep
 In silence lie ;
 Soul of that smallest thing
 The dwelling of whose life
 Is one faint April sun-gleam ;
 Man, like these passive things,
 Thy will unconsciously fulfilleth :
 Like theirs, his age of endless peace,
 Which time is fast maturing,
 Will swiftly, surely come :
 And the unbounded frame which thou pervadest
 Will be without a flaw
 Marring its perfect symmetry."

In these extracts from *Queen Mab*, we see the warmth and benevolence of his feelings, his love for nature and his species, and the tendency naturally flowing from such a disposition, to that most generous and rational, must we too call it improbable of all anticipations as the world is constituted, the perfectibility of man; yet, however hopeless and chimerical it may appear to those who think contemptuously of their kind, to one like Shelley it was an immediate consequence of his admiration of all that was great, and virtuous, and pure, and beautiful—whether in the works of genius, in man's moral character, or in the mighty structure of the universe. He saw it in the constant improvement of the human mind—in the rapid advance of all science—in the increase of all knowledge—in the progress of all institutions—and perhaps above all, in the quickening of half-perished hope, by the struggles of the human soul, and the revolutions it has achieved.

There are parts of *Queen Mab* that violate the common respect men bear to the most important interests of life, but it should be remembered, that this was the first blush of indignation, the first outpourings of the fierce feelings of an enthusiastic and imaginative youth, who had neither witnessed the strife of men's passions in the world at large, or felt the struggle in his own bosom, to which all must submit who mingle with them. He had not yet learned to chain his spirit to the barren rock of existence, or to concede to the feelings of others, or to look calmly on the union of power and wrong—to regard with indifference the warring woes of his fellow creatures, the blight of their hopes, the ruin of their interests, from the crushing influence and cruel tyranny of custom; nor had he gathered the cold experience that chills the life blood of young virtue, or reached that bitter condition when all feeling is mere habit, and time creates a philosophy of its own from the desolation of the soul. But he was yet governed by all the heated impulses of youth, and felt deeply the state that he portrays in these lines—

“ Ah! to the stranger soul, when first it peeps
From its new tenement, and looks abroad
For happiness and sympathy, how stern
And desolate a track is this wide world!
How withered all the buds of natural good!”

But we will now endeavour to find in his works the origin of his sentiments, for a poet's feelings form, in general, the history of his life; they are his daily and hourly record, the good and bad influences that control him, the powers that insure his distinction or his ruin, as a man and a writer. They are the impulses that hurry him on, through time and fortune, into action, that deep-set energy of the spirit; and bear him on the current of his passions to that he seeks, fame, and towards that he hopes for, its immortality.

It is a subject of interesting speculation, how much of the poetic character depends on nature, how much on accident. At first it seems a matter of easy decision ; but, like most subjects of thought, as it enlarges before the mind, new views and new difficulties are presented. We are inclined, however, to think that the original disposition is the main agent in its formation, for it must be remembered that all who possess the gift of genius are above the common level, and of course under all or any circumstances, would be conspicuous and extraordinary. It therefore does not depend on accident to determine the station they are to hold, but only whether that can create a bias towards some pursuit to which they are not by nature disposed. We believe that "the genial current of the soul" may be frozen, that "full many a gem of purest ray serene" may be trampled on and neglected by the cold selfishness of the world, that

" Full many a flower is born to blush unseen
And waste its sweetness on the desert air ;"

that many a Hampden and many a Cromwell may die unknown, but we do not believe that any Milton ever passed from the earth, mute, inglorious and unhonoured. The first were men of the occasion, called forth and created by it, and might have lived within the quiet and obscure circle of their duties, without achieving a name ; but the last was a stupendous intellect, that under all or any circumstances would have found its proper sphere, and moved in the orbit of its own peculiar glory.

Fortunately it does not appear that the original disposition of men of genius can be easily altered or subdued. There is not only a resistless inclination to the thing they were designed for, but an intense gratification, an intellectual luxury in the fruition of the taste, and what is still more decisive with poets, the practice of their art and the deep enjoyment it gives becomes a necessity, and this produces a tenacity of purpose, that conquers and triumphs over every obstacle. For this reason, that which seems to the world impulse is not so, but instinct. It is the will of nature, bearing down the will of man. It is his destiny, conquering all opposition.

There is a distinction to be made between men of great minds and men of great genius. The first possess a general power and a general aptitude, that can be as easily applied to small as great affairs, while the last seem impelled by an inward passion that will have vent, or else feed on its own life. Thus there have been many distinguished commanders, many statesmen, who, but for fortune, might have driven the team a-field, and in ignorance of their real energies, have confined themselves to the narrow bounds of their humble conceptions.

So that it is opportunity makes the man, the want of it the fellow. But the peculiar genius of an individual is an express creation, that rises over circumstances and follows the star of its fate, and thus it appears that with all who are to be illustrious by the possession of some one talent, there has ever been a very early manifestation of its existence. Poets have generally begun their career almost as children. Nature works more strongly in them than in the rest of mankind, and their passions and their powers require a readier and more immediate vent than with those whose sensibility is less acute, and feelings feebler and less active. They seem more a part of all around them than other men—their sympathies are more extended and more easily acted on—there is a deep and strong response within their bosoms to all that flows over their souls from without. Sense is not with them, as with others, a mere torpid agent, that unfolds and brings forth nothing; nor is sensation a barren, unyielding principle, but like music, every external impression melts into the heart and becomes there a lasting affection, and to the mind a recollection and a power. Thought is with them an emblem of feeling, not of experience. Their meditations are not those cold reflections with which most go over the track of time. But they enter the past with all the eagerness of hope, with all admiration for the names it has recorded, with all veneration for the genius it has produced; they bring from it, to irradiate the present, all that is elevated in human character, all that can adorn and illustrate, or add, to the idea of human destinies. From feeling thus deeply there can be no doubt that all things and circumstances produce some effect, but the links of association are so indistinct, that it is impossible to tell what or how great the effect may be. The attachments and incidents of childhood and youth, our early home, our native place, our school days and its friends, that are forgotten in manhood, become the sole consolation of the old, the only tie connecting their frail tenure of existence with young hope and its pleasures, and the imagined joys, the importance that was attached to life, and figured in its distance. For age, like grief, lingers only with satisfaction on that which it has lost, and, memory, that is dead to all about it, holds true only to the withered emblems of the past. But in what way does the mind receive an influence from impressions it cannot recall, or but faintly remembers; how is it that every faculty becomes coloured with hues that deepen with time, and how is it that the whole character is modified, or even transformed, by events or situations whose sole trace is in their consequences? All these sources of reflection increase the strangeness of our being, but go but a little way towards its metaphysical elucidation. The mountains, their torrents and their

rocks, do they create energy and elevation of character—is it possible for external objects to act on our nature, so as to make it partake of their essence; and is there in truth more originality and power with one who is born on the hill's side, and nurtured amid its wildness and grandeur, than with one who has shared the luxuries of wealth, is placed beyond the caprice of fortune, who has known no other life and witnessed no other scenes than the vice, poverty, misery and misfortune that spring and exist all around us within the walls of a city?

The history of the poetic character will not bear us out in the supposition that such things alter its nature or determine its inclination. The genius of the poet seems the only one that circumstances can neither subdue nor obliterate. It holds a life of its own, is its own quickening spirit; and its adamant vitality gives way to none of the events that control and overwhelm others. This is more or less the case with all who possess some prevailing taste, for this becomes and continues the mind's governing element. Mathematics, natural philosophy, or natural history, do not require separate faculties, but the combined energy of many, and a particular mental bias and affection for the study. There may be with all these some strength of imagination, though the reason predominates. But with the poet there must be, to gather the fame he seeks, not only habits of meditation, and all the various evidences of a strong reason, but imagination too, in its deepest and fullest intensity, for there is a constant and intimate relation between all the different powers of the mind; and there is no such thing as a truly great mind, where there is any extraordinary deficiency in any one of its elements. Imagination is justly considered as the poet's essential and foremost quality, but the philosopher may possess it in all its strength, for who would deny it to Plato. Indeed, a great poet must of necessity be a great philosopher; and the last, in the very magnitude of his intellect, contains all or nearly all that belongs to the other, for the imaginative faculty, in the active sensitiveness of its nature, impels and urges all its intellectual companions through the vast circle of the realms of thought, and gleans and gathers amid the worlds where it soars, the ideas and the conceptions that they shape in the creation it has attempted.

With Shelley it was not only the power to which he was entirely submissive, but the faculty itself was of a nature the most extraordinary, and in a degree the most inordinate, that any poet ever possessed. Yet at the same time his reason, or whatever the faculty may be called that induces the logical disposition, was strong and clear, though both his conduct in life and the character of his works indicate that imagination had overwhelmed every other intellectual element. But we

propose, instead of giving large extracts that merely illustrate the beauty of his mind, to make a few, that by showing us the man, will create an admiration and an affection for him, and deepen the interest in his writings. The first are from the dedication to the *Revolt of Islam*, and so far as one's own testimony can go, there can be no stronger evidence at how early an age the benevolence of his nature began to work on the strength of his genius, and how strongly, even then, he revolted from what, in the limited view of his young perception, appeared to him to be the result of mischievous errors and ruinous vices, oppressing and perverting the spirit of man. But the lines also contain proof of the truth of the position that early circumstances may carry the taint of poison, or health and vigour, to the feelings of the after man; for it appears that the tyranny he endured or witnessed during his school days made him the friend of freedom, and the resolute foe of all unnecessary control and all forced obedience.

"Thoughts of great deeds were mine, dear friend, when first
The clouds, which wrap this world from youth, did pass.
I do remember well, the hour which burst
My spirit's sleep: a fresh May-dawn it was,
When I walked forth upon the glittering grass,
And wept, and knew not why; until there rose
From the near school-room, voices that, alas!
Were but one echo from a world of woes,
The harsh and grating strife of tyrants and of foes.

"And then I clasped my hands and looked around,
But none was near to mock my streaming eyes,
Which poured their warm drops on the sunny ground;
So without shame, I spake: 'I will be wise,
And just, and free, and mild, if in me lies
Such power; for I grow weary to behold
The selfish and the strong still tyrannise,
Without reproach or check.' I then controlled
My tears, my heart grew calm, and I was meek and bold.

"And from that hour did I, with earnest thought,
Heap knowledge from forbidden mines of lore.
Yet nothing, that my tyrants knew or taught,
I cared to learn; but from that secret store
Wrought linked armour for my soul, before
It might walk forth, to war among mankind;
Then power and hope were strengthened more and more
Within me, till there came upon my mind
A sense of loneliness,—a thirst with which I pined."

In these three stanzas we have the history of the boy: the strong feelings working within him, till they became a deep agony,—their yielding to the influence of the loveliness of nature, and, amid this despair, the resolution to disregard personal interests, and devote himself to mankind; then the

desire of sympathy coming forth from the depth and sternness of his high resolve, with some one who would appreciate him, and on whom he might bestow the tenderness of his sensibility, and its intensity. In the "Hymn to Intellectual Beauty," we trace the same imaginative being, borne on by the great faculty of his nature, and pursuing all the fancies it created and nurtured.

"While yet a boy, I sought for ghosts, and sped
Through many a listening chamber, cave, and ruin,
And starlight wood, with fearful steps, pursuing
Hopes of high talk with the departed dead.

"When musing deeply on the lot of life, at that sweet time when
winds are wooing
All vital things that wake to bring
News of birds and blossoming.
Sudden, thy shadow fell on me :
I shrieked, and clasped my hands in ecstasy :
I vowed that I would dedicate my powers
To thee and thine. Have I not kept the vow ?

"They know that never joy illumed my brow,
Unlinked with hope ; that thou would'st free
This world from its dark slavery.
That thou, O awful Loveliness,
Would'st give whate'er these words cannot express.

"Thus let thy power, which, like the truth
Of nature, on my passive youth
Descended, to my onward life supply
Its calm, to one who worships thee,
And every form containing thee,
Whom, spirit fair, thy spells did bind
To fear himself, and love all humankind."

In these extracts we can discover the character of the man and his mind ; the germ both of his conduct and his writings ; and that love of the ideal rather than the actual, that forms the beauty and vice of his poetry. Of this, the pervading fault is an indistinctness ; a remoteness from the usual association of ideas, from that continuous chain, connecting the minds of men,—a something wild, and singular, and unnatural, in the thoughts, and mode of expressing them,—a peculiarity so extraordinary that but few are or can be interested, and still fewer are roused to the degree of sympathy with the author, which produces pleasure, or even awakens attention ; for most persons read poetry as a pastime, and a luxury, but seldom as a study. They are, therefore, repelled, by difficulty, by all that is harsh, all that does not flow and melt into their minds without exertion. Yet there are some who are willing to meditate and not lounge over the poet's thoughts ; who have too high a respect for poetry as an art, to enjoy it merely as a

temporary and idle gratification. And such are the best judges of its merits, since they disentangle all obscurities, and unfold the remote allusions the poet's imagination brings within the range of his subject, and scale the heights where beauty gradually bursts upon them, as they rise, and the scene becomes more full of splendour and power, as the view takes in all its parts. It is to such adventurers in the realms of poetry that Shelley will be an idol; to that choice few whose taste can find congeniality, or whose faculty of admiration can extend beyond the bounds of a particular species of composition; and, fortunately for literature, it is this select few who confer fame and immortality; but to the mass of readers he will ever remain unknown, or be as little read as Milton.

All his best works are idealisms of virtue, expressive of conditions of the human being that he is not yet fitted for; poetical abstractions, beautiful visions that are first conceived in the purity of the heart, and then encircled with the magic influence of imagination, and all the gravity and grandeur of deep thought. The Revolt of Islam is one of these high-wrought fancies. There we have the vain conflict between wisdom and power, an emblem of things as they were; the desolation that tyranny and its capricious will brings over empires and ages; the degrading effects of custom, from the servility with which men obey it; the blight with which ignorance withers and oppression crushes the human soul; at length the terrible reaction, when the over-tortured spirit of man bounds from its chains at the call of liberty—and then, mild and beautiful images of perfect love and perfect happiness; the advancement of knowledge, the elevation of human hopes in the change of man's destinies, and the gradual preparation and steady approach towards perfection. These form the poet's vision, and there needs no other testimony to the nature of the object for which he lived. It fails in interest with common readers from metaphysical obscurity, an overlaboured refinement of thought perhaps from too excessive a brilliancy in the ideas, and the sea of metaphor over which the reader is obliged to move in the roll of the poet's mind; yet there is a vigour and a richness both of imagination and intellect, that remind one, though they exceed him, of Spenser. But perhaps the best of Shelley's works are the "Cenci" and the "Prometheus." The first, revolting as the subject may be, is the best drama of the time. It is the only entire production of his, in which he has allowed himself to descend to earth, and mingle with the common passions of his nature. But here he comes down from the lofty, dazzling, and over-elevated spheres, where his conceptions seemed to float with an easy strength that showed they were in their element, to the actual existences and realities that were too gross for his affections or his thoughts, to that com-

mon life from which he recoiled with an instinctive sensitiveness. It was written with more labour than any other of his works, so little accustomed was he to make man, in his more degrading points of view, the subject of his contemplations ; but the result is in proportion to the difficulties with which he contended. The fearful ferocity of the father, the hideously unnatural mockery with which he scoffs at the feelings of a parent, the cold-blooded determination to commit the crime, that men's lips can hardly utter ; the noble spirit and daring resolution of the daughter, that triumphs over fear, and all the mildness of her sex and love of a child ; her hesitation, between doubt that her nature calls up, and the determination that self-defence, and the claims of virtue, and even duty demand—together with the necessity of perpetrating a horrid purpose, and the shrinking from its execution—are delineated with great force and consummate art. But the effect is heightened, by knowing that the tragedy is the relation of a fact : that it is not one of the dark and terrible delineations that are sometimes framed by an overwrought and heated brain, a morbid and distorted caricature of human passion, but a plain matter of real life and actual occurrence, which history has recorded among its scenes of pain, disgust, and horror.

The Prometheus forms a medium between his disposition to metaphysical analysis and refinement, and that which is more appreciable and intelligible to minds in general. It displays the greatest command of language, when we consider the extraordinary nature of his ideas, and on an occasion the most difficult. He gives an interest to the agony of the Titan, by making us feel that in his sufferings he expresses his own detestation of tyranny and oppression. But the imagery is drawn from obscure sources, and though highly intellectual, is too far removed from any association with ordinary incidents and the ordinary feelings of men, to give it the hue of action and passion that produces popularity ; yet the whole is wrought with a Titanic energy that declares how near he could approach to the models he professed to imitate. Both these works were written at Rome, whose name, whose climate, whose dying grandeur and forsaken ruins, sink deep into the minds of the most humble, and forbid that there should be any thing mean or common-place even in their thoughts. But to genius it is the shrine before which it falls in ecstasy and admiration ; the soul there drinks deep of all beauty ; the walls and arches and columns, all the gigantic fragments of men's minds, though but dust, and though its greatness is now a dream, yet all are sources of power : and the spirit, in breathing the atmosphere of inspiration, seems to be elevated and to partake of the immortal life that dwells among the monuments which surround it. The shades of the dead, the ruins of empires, the majesty and

glory of the past, with the mysterious influence with which genius hallows all that memory there rests upon, rouse an emulation, deeper, purer, and more powerful and noble in its ends and energies, than the coarse ambition excited by throwing our hopes on the rough struggles and fierce passions of everyday life; and though Shelley had no ambition, in the general meaning of this word, he could not escape from the charm and enchantment that breathed over his intellect. It is impossible to say all we would wish, as to his poetry, but we cannot close our remarks without noticing the "Adonais," or Elegy on the Death of Keats. Our only extracts will be a few lines from the stanzas, where he brings round the grave of Adonais, those of the poets whom he knew best. First is Byron :

"The Pilgrim of Eternity, whose fame
Over his living head, like heaven is bent."

The second, Moore :

"From her wilds Ierne sent
The sweetest lyrist of her saddest wrong,
And love taught grief to fall like music from his tongue."

The third is himself.

"'Midst others of less note, came one frail form,
A phantom among men; companionless
As the last cloud of an expiring storm
Whose thunder is its knell;
A pard-like spirit, beautiful and swift,
A love in desolation masked: a power
Girt round with weakness."

The fourth is Leigh Hunt. The denunciations he calls down on the Reviewer of Keats's *Endymion* are powerfully expressed :

"Live thou, whose infamy is not thy fame;
Live! fear no heavier chastisement from me,
Thou noteless blot on a remembered name;
But be thyself, and know thyself to be."

Among his minor pieces there are many very beautiful, but we have done enough to declare our own admiration both of the man and his writings. Our sole wish has been to draw from the imperfect towards the more perfect, to raise on this side of the water our voice in favour of one, who is perhaps but little known, and this knowledge acquired from those who were his persecutors—whose task and duty it was to make him infamous. But time and truth ever move together, and both of these are now working in men's minds, and both ere long will establish the fame and hallow the genius of the gentle and desolate Shelley.

ART. II.—*Memoirs of the Historical Society of Pennsylvania.*
Vols. I. and II., and Part 1 of Vol. III. Philadelphia.

The above volumes, together with three annual discourses in a pamphlet form, (the last delivered in 1834,) embrace all the productions of the Historical Society of Pennsylvania which have yet seen the light. Sufficient time has elapsed since the last publication to authorize the expectation of additional contributions to the history of the state, which, we trust, will not be long withheld. At present, our design is to draw public attention afresh to the labours of a very valuable society, which deserve to interest the whole community.

A lawyer is said but to discharge a mere social duty, when he casts in his mite of learning or research to the common stock of professional contributions. He lives not and labours not for himself alone. Although success brings him a fruitful harvest, his nights of watchful study and his days of painful labour are not merely to confer upon *him* present competence and future renown. No; he is one of the suitors of a jealous mistress, who demands that he shall proffer to *her* the valuable results of his well-spent years of mental exertion, that she may add them to her storehouse of legal treasures, the foundations of which were laid by a Bracton and a Littleton, and into which she welcomes the youthful student. This demand, the members of that profession are found, at all times, willing most cheerfully to obey; and the science of the law has, therefore, never needed votaries to record and illustrate her principles. But, are the claims of a single profession upon its members, however strong, superior to those of a state upon its citizens? Has the latter not as powerful demands upon her subjects to secure the transmission to posterity of the best and amplest means of investigating and recording her history? Is no blame or neglect to attach to a generation, if facts perish, or are discoloured or perverted, because their proofs have been swallowed up in the gulf of time? Is not this especially the case in communities which have not been the product of chance or accident, but have been advisedly planted with reference to certain great maxims whose validity they were nourished to test, and whose value their success has so nobly proved?

Our ancestors made experiments. They sowed the seed. They tilled the ground and nourished the young plant upon certain axioms, till then never put into full and fair operation. We are the fruit. Dropping the metaphor; we are here with certain principles instilled into our very nature, which we retain with unconquerable tenacity; with certain physical and moral peculiarities of constitution and character—with

capabilities immense, though scarcely yet fully appreciated; and with a destiny which nothing short of prophetic vision would dare to measure; and our country demands, with unanswerable propriety, that we neglect no opportunity of recording, for the guidance and instruction of our descendants, all that may throw light upon the dawn of our nation—upon the character, views and principles of its founders—upon the aims of its early statesmen; in a word, upon the maxims and career of our forefathers.

We have seen, with the most lively satisfaction, a spirit of this description growing up among us during the last few years. Contributions to the history of our Union, in the publication of the lives and writings of our revolutionary worthies, have been presented to the public, which have served not only to increase the stock of historic information, but to adorn the literature of America. Histories and biographies indeed—the useful rather than ornamental—seem to accord with the national taste; and though we may occasionally desire to anticipate the era of refined and imaginative literature, (which we trust will one day shine upon our land,) yet we are far from disposed to repine at our lot. There is, however, notwithstanding this growing taste for national history, a comparative indifference towards the particular history of any state; the special circumstances under which she was planted, and the effect these have produced upon the character of her institutions and people. This, in a country like ours, a federative, not a consolidated republic, is a consideration of vast importance; and to one disposed to speculate upon the capacity and destiny of any particular portion of our empire, essential to the formation of a right judgment. The different sections of the United States have been settled under widely diverse circumstances; by people differing in their religious tenets, their tastes, prejudices, antipathies and predilections, nay, even in their degrees of democratic fervour; these, too, more or less modified by physical diversities of soil and climate. The Revolution happily induced a mixture of such duration as to give rise to a considerable homogeneity, which our union has most fortunately preserved and increased. Still the circumstances of origin have proved so powerful in their influence, that certain quarters of our land exhibit natives differing from each other quite as much as some of us do from our English brethren, and, except in language, as entirely as Frenchmen and Spaniards.

The advantages, then, of Historical Societies in the several states are many and obvious. They would serve not merely to collect and perpetuate details which might otherwise be entirely lost, but each state would thus be enabled to gather whatever was peculiar or characteristic of herself; to enlist in

her cause the affections and exertions of her own sons ; and, in very many cases, the warm tribute of family reverence and pride.

The more early this praiseworthy project is perfected, the better for the history of any country. There are incidents of the infancy of every settlement, and traits in the character of all settlers, which find no faithful contemporary chronicler, but rest in the memory of aged though living witnesses. There are documents, too, such as original letters and memoranda, often highly important in their bearings upon public events, which misfortune or time may sweep from existence. For all such a receptacle is opened in a society of this kind, to which recourse by the future historian may readily be had.

These institutions are, of course, intended to furnish collections of materials for history, not histories themselves. The general subject, which, to be complete, necessarily embraces so many particulars, is subdivided into its several heads, which are assigned to as many different committees, who direct their undivided attention to the particular matter allotted to them. Upon this, therefore, it may fairly be presumed that all the information possible will be collected.

These obvious views arrested the attention of reflecting individuals in portions of our country, some years ago, and the result was the formation of Historical Societies or Institutes. The reputation of some of these, in a few of the older states of the Union, is already established ; and to their proportion of well merited approbation in this particular, the Historical Society of Pennsylvania may confidently lay claim.

No state was more entitled to the exertion in her behalf, or offered a more fruitful field for research and for philosophical disquisition and investigation, than Pennsylvania. She was settled as no other nation on earth was settled. A plain, simple, unaffected and pious man—blessed with the purest and most enlightened principles of rational liberty, and with a heart warm with sympathy for his kind and able to resist the temptation of encroachment upon his fellow-men, though defenceless and ignorant, projects the foundation of an empire in another hemisphere. He calls around him men of his own persuasion, who had been taught by bitter experience the value of freedom of conscience, and had learnt to prize it above the honours and the splendours of the world ; he tells them that they are to direct their course across the ocean, to shores inhabited by the wandering savage, and that by the blessed arts of peace, by negotiation and purchase, they are to obtain the soil for the building of a city of brotherly love. He lays before them the charter of his government, where the pure principles of humanity and republicanism (for they are essentially the same) are

embodied ; where provision is made for the full developement of all the powers of the human mind ; unlimited, unfettered freedom of exertion ; unfettered, save by the dictates of morality and religion. The views of this legislator are not narrowed to his own day or generation, but are calculated for all times and to endure with all men, for they are based upon reason, religion and justice. This project, which the mass of men would laugh at as visionary, or sneer at as simple, is steadily pursued and triumphantly consummated ; and an empire is founded in the midst of savages ; whose annals are stained by no blood, polluted by no craft or treachery, and disgraced by no persecution for conscience' sake.

The character, therefore, of the founder ; his principles, as compared with those of his age ; his morality ; his religion ; his statesmanlike views ; his equity ; his prudence and his firmness ; above all, his pure and stainless life ; form one prolific theme for the pen of the essayist.

The lives of the companions of Penn—the history of the first settlements made beyond the capital ; the growth of the different towns and townships ; the planting and increase of the various religious sects with which the state is now covered ; and the different sources whence the population of the state, more than ordinarily heterogeneous, was originally deduced ; present an equally abundant topic. Another, and certainly one of the most important, is the influence necessarily exerted over the future destinies of Pennsylvania by the peculiar characteristics of her settlers ; the effect of these upon her laws ; her social condition ; her police, her criminal jurisprudence, her literature, and the developement of her resources and energies. And, as connected with this last, the history of her jurisprudence ; her efforts in the cause of humanity and philanthropy, and for the amelioration of the miseries and the reformation of the crimes of poor human nature, and the striking features of liberality and equity which characterize all her institutions. But the themes are by no means exhausted. Others are presented by a consideration of the natural advantages of the state for agriculture, commerce and manufactures, and for internal trade ; the history of her system of internal improvement ; the native fertility and mineral wealth of the state, and the manner in which her mighty resources have been developed. The origin, fluctuations, embarrassments, and subsequent healthy condition of her currency—her banking system ; the foundation and growth of her corporations—stand prominently forth as objects of interest. Her party history is of deep moment to politicians ; for the demon of party emptied the vials of her wrath upon the land at a comparatively early day ; nor is the importance of this topic confined to mere politicians ; for the knowledge may be gained from such a survey, whether

the effects of these bitter contests have not been to depress the just influence of Pennsylvania in the Union, and to exclude many of her ablest and best men from her councils.

To but one more subject of historical importance shall we allude, before asking our reader's attention to what has been done in this wide field. We refer to the deeply interesting consideration of the condition of the aboriginal inhabitants of the state, at the time of its first settlement, and their gradual extinction; the peculiarities of their race; their advancement in refinement and civilization; their customs and religious belief and ceremonies. Their supposed origin, which hurries us back to remote antiquity, and their national vicissitudes, must ever excite our curiosity and sympathy, however we may differ as to the abstract right of acquiring their lands. Pennsylvanians are especially attracted to the story of one, probably the noblest and once the most powerful of all their tribes, the Delawares or Lenni Lenape: for they roamed in undisputed sway over her valleys, and claimed the dominion of her highest hills; and though they have now passed from the scene, been blotted out from the list of nations, and "their place knows them no more," yet the descendant of Penn looks back with anxious curiosity to the fate of those with whom the great founder smoked the pipe of peace and opened a negotiation, as with sovereigns of the soil.

In dwelling upon this head, with which the history of Pennsylvania seems to be especially connected, feelings of much more excitement than those of mere romance are enkindled. While the imagination is awakened, the heart is touched: and the deepest sensations of awe are felt at the inscrutable decrees of that Providence, before whose fiat populous and powerful nations have vanished like the air-built castles of a dream.—Indian horrors and Indian heroics are the tales of our childhood,—the experience of some, it may be, of our fathers; but they will soon be the record of tribes who, having "fretted their hour upon the stage" of life, are, now, "heard no more;" and their remains, but the occasional tumulus or time-worn implement of battle, which the antiquarian will scrutinize as attentively as he now scans the strange hieroglyphics of the Egyptians. Through all time, then, will the Pennsylvanian lay the unction to his soul,—not flatteringly deceptive if it prove the prompter to a constant adherence to rectitude,—that the stranger cannot point his finger to the page in her statute-book, or the act of one of her founders, by which a Delaware was driven to raise the loud cry of vengeance or even to whisper the suppressed moanings of oppression.

Prior to the formation of this society, in 1825, comparatively little had been done in Pennsylvania to illustrate her history.

In the year 1815, it is true, a committee of the American Philosophical Society had been raised, and entitled the "Historical and Literary Committee." Admission was, however, dependent upon membership in the Philosophical Society; and an institution of this description, to be generally effective, must be as liberal as possible in the way of addition to its numbers. The labours of that committee must, nevertheless, by no means be disparaged, though but a single publication has appeared under its auspices. The value of that one is estimated, as it deserves to be, most highly; and on that account, in some degree, compensates for its standing alone. We refer to Heckewelder's "account of the history, manners and customs of the Indian nations, who once inhabited Pennsylvania and the neighbouring states."* It is understood, also, that the committee above referred to has succeeded in obtaining a valuable collection of historical memorials which, it is hoped, will one day be given to the public.

Some patriotic gentlemen, in the year 1825, determined to use their exertions to remove this inattention to the interests of their native state, and formed the "Historical Society of Pennsylvania." They very properly considered it a duty, as well as a pleasure, to collect and preserve the evidences of the history of their state, from its earliest date, and announced their object to be the elucidation of her natural, civil, and literary annals. Their association established certain standing committees, to whom the different topics supposed to be embraced in the general plan were allotted. We shall mention them, that it may be perceived how far the society has undertaken to consider the numerous themes which a complete history of Pennsylvania would embrace. Some of those, which we have before briefly alluded to, it appears are not included in the duties of any committee yet raised. The defect, however, may very readily be supplied by an addition to the list. One subject, though exceedingly delicate in its character, if impartially and dispassionately treated would be powerfully attractive,—the party history of the state. Many of the contests are probably of too recent a date to permit this to be done in a desirable way, for the grave has not yet received all, even of the very early actors in these scenes: but we could extract from the survey a lesson that might make us wiser and better citizens in all future time.

* The value of this book of Heckewelder, the labours of the committee of the Philosophical Society, the origin and character of the important researches of the venerable Duponceau into the structure of the Indian languages of North America, together with some interesting remarks upon Pennsylvanian history generally, are to be found recorded in a series of communications, attributed to Mr. Tyson, and published in vol. ix. page 221 of Hazard's Register of Pennsylvania.

The standing committees are,

1. On the national origin, early difficulties, and domestic habits of the first settlers.

2. On the biography of the founder of Pennsylvania, his family, and the early settlers.

3. On biographical notices of persons distinguished among us, in ancient and modern times.

4. On the aborigines of Pennsylvania, their numbers, names of their tribes, intercourse with Europeans, their language, habits, character, and wars.

5. On the principles to which the rapid population of Pennsylvania may be ascribed.

6. On the revenue, expenses, and general polity of the provincial government.

7. On the juridical history of Pennsylvania.

8. On the literary history of Pennsylvania.

9. On the medical history of Pennsylvania.

10. On the progress and present state of agriculture, manufactures, and commerce, in Pennsylvania.

The manner in which the members have responded to the wishes of the society will briefly engage our notice.

Several very interesting papers which are inserted in these volumes relate to matters of mere local importance, or to the lives of individuals of great worth, but not connected, in either case, with the general subject of Pennsylvanian history. Our limits will not permit us to dwell upon all these subjects in detail; and we must therefore, necessarily, confine ourselves to those of greater importance, referring our readers to the memoirs for the other articles which will be found well worth the attention, not only of the antiquarian, but of every reader.

The principal topics of the discourses and memoirs, so far, have been the character of the founder and of his companions, and his vindication from the attacks of various historians; the nature of his settlement and the conduct pursued towards the aborigines; the influence upon the state, generally, of the religious society, under whose auspices she was planted; the provincial literature of Pennsylvania; her medical history, and that of her university; the famous controversy as to boundaries, between Penn and Lord Baltimore; and negro slavery and its abolition. Upon some of these we will offer a few remarks.

An inaugural discourse was delivered by the venerable William Rawle, the father of the Philadelphia bar,* on the 5th of November, 1825. The orator gave, as appropriate to the

* Since the above was written, the venerable President of the Historical Society of Pennsylvania has paid the debt of nature. This is not the place for his eulogy. We may merely say, that he died full of years and of honour.

occasion, a general outline of the duties of the institution over which he presided. He sketched the nature of the settlement by Penn, remarking that he and his followers came not to conquer, but to cultivate the soil; to civilize, not to extirpate the natives; to earn their bread and to gain property, if it were to be gained, honourably and nobly, by the sweat of their brow, not by reducing the helpless savages to slavery or by a rabid search after the precious metals. He endeavoured to depict the character of the settlers; most of them the adherents of a sect of recent origin, whose motto was meekness and benevolence, which their lives so well attested; and he asserted, with truth, the influence of the character of settlers upon that of the country planted by them. His remarks on this topic we are tempted to transcribe.

"It may perhaps be fastidiously asked, what interest can be found in the narrative of husbandmen or manufacturers, whose days were spent in unvaried labour and whose nights were disturbed by no external alarms; who prosecuted, in peaceful and obscure succession, the same alternation of toil and rest that are practised by men of similar occupations over all the earth? Why does the peasant of Pennsylvania, in her early days, deserve a higher place in history than the peasant of England or of France?

"To this we answer that, to our predecessors, these mere labourers of our soil, *we* look for the elements of that success which almost uniformly has accompanied our progress, and on the same principles the relation may also be of value to others.

"The character of a nation, although not always fixed by the character of those with whom it originates, often retains a tincture from it that affects its subsequent course. And hence it follows, that when we see a nation rolling tumultuously down the torrent of time, invading, overwhelming, and destroying whatever falls in its way, we are led to enquire whether its origin was not a military association.

"When we perceive another steadily pursuing a course of peace and concord, both at home and abroad, we are induced to suppose that it arose from the voluntary or casual union of men who cultivated the earth with honest labour, or in other occupations confined themselves to useful industry, uninterrupted by the calculations of ambition or the incentives to violence and injustice.

"If we are sometimes disappointed in such inquiries, it is from the want of this elementary evidence.

"It is true, that however carefully and wisely the foundations of society may at first be laid, we cannot always depend on their permanence. New motives, unexpected exigencies, sometimes arise, changing or totally subverting all original principles. The Arabian shepherd becomes a warrior. The Teutonic chiefs sink into peaceful farmers of the land which they have subdued.

"Yet still—if we wish to understand the nature of man, to become acquainted with ourselves; it is our duty, and in the prosecution of that duty we shall find it a delight, to ascend to the rudiments of social existence; to elicit theory from facts, and not to imagine facts for the purpose of supporting theories; and thus, if possible, to discover by what means, order, peace, and happiness have been, or hereafter may be, rendered most permanent and secure.

"How little of this has been done in respect to the nations of the other three continents!"

Mr. Rawle proceeds to remark on the variety of national origin which characterised the infant colony of Pennsylvania: English, Swedes, Dutch, Germans, Irish, Scots, and French, all planted their emigrating feet on her territory. Far otherwise with New England, generally, and with Virginia proper; for the settlements in those parts were of a homogeneous description. Their colonists were all Englishmen.

One fact which the learned writer regards as unaccountable, viz. the indifference evinced by Penn towards inland exploring expeditions, we think may be explained by an attention to his character and views. Penn's information had led him to know the results of all such crusades; disastrous alike to the explorers and the poor Indians. The course of any such expedition would inevitably have been marked with blood; and the shedding of a drop was abhorrent from the feelings of the founder. Besides, the motive was wanting. He came not, either to "spy out the nakedness of the land," or to hunt after the hidden wealth of the aborigines. Their gold and their silver he wanted not; and their precious stones, if any, suited not the habits of himself or his followers. The presence of such visitants would have blighted the hopes of his settlement; for industry was to be the gold and silver of the colonists, and temperance and virtue their jewels. Penn, moreover, possessed a general knowledge of the country; and his treaties of amity with the natives were the most effectual sources of information, by means of voluntary communications from themselves.

The whole conduct of Penn in his mode of acquiring the soil of Pennsylvania, is further sketched in this interesting discourse. A comparison is instituted with the modes of settlement pursued in some of the sister states; and while great candour is evinced in discussing the conduct of others, the merits of William Penn are clearly established and maintained.

Considerable doubts were, at one period, entertained as to the locality of the great treaty between Penn and the Indians, in 1682, and the subject was thought worthy of separate consideration. A memoir upon the point was prepared by Roberts Vaux, and read before the society on the 19th of September, 1825. The careful investigations of this gentleman established the fact, in accordance with popular tradition, that the treaty was held under the great elm, in the district of Kensington, formerly called Shackamaxon. This "time honoured" tree was uprooted, and fell upon its parent earth, during a violent storm that occurred in 1810. Its age was then ascertained to be 283 years; so that at the time of the treaty it was 155 years old. Its trunk measured 24 feet in circumference. Near the spot

where this noble specimen of the American forest once stood, and covered with its branches as beautiful a scene as the annals of the world can present, there now stands a plain, but substantial, obelisk of granite, a memorial of rare human virtue.

Mr. Vaux also delivered an anniversary discourse before the society, on the 1st of January, 1827, being, at that period, one of the vice presidents. His object was to illustrate the treatment, by Penn, of the Indians, and to vindicate the behaviour of the quakers towards the provincial government. This he performed most successfully. He referred also to the founder's design in his settlement, as not the mere ambition of founding an empire; though, upon the principles which he put in operation, that were a noble ambition; but the improvement of the condition of the natives, and the extension of the blessings of Christianity and philosophy over savage shores. He quoted an expression from Penn's petition to King Charles, which evinced that great man's intentions. One of his purposes he declares to be "the glory of God, by the civilization of the poor Indians, and the conversion of the Gentiles, by just and lenient measures, to the kingdom of Christ." Mr. Vaux proceeds to sketch, in a very interesting way, the general conduct pursued towards the natives during the progress of Pennsylvania in population and grandeur, and to portray, in its true colours, the course of the philanthropic Friends, with respect to them. It is a bright inheritance for the members of that religious sect. It will go down to future ages, a more eloquent advocate than the most elaborate panegyric.

We cannot leave this discourse of Mr. Vaux without adding in regard to the author—we may do it here with propriety, as the grave has closed over him—that he was one of the most zealous and untiring in the elucidation of the history of his native state, and in the promotion of those grand plans of philanthropy which are her chief glory. The Historical Society of Pennsylvania is much indebted to him for his useful labours in her behalf.

The pen of the learned Duponceau would hardly be idle in a society of which he was a member, and particularly of an institution that offered so many opportunities to one eminently skilled in philology. In Indian tongues his proficiency is notorious, and indeed in all the antiquities of this continent.

The council of the society invited Mr. Duponceau to translate, from the Swedish, a History of the Province of New Sweden, (as Pennsylvania was once called by the Swedes,) a production of Thomas Campanius Holm. With this request he promptly and successfully complied and, in addition, enriched his translation with some learned notes. To this production, the translator, in his preface, assigns its true value—and wherever the occa-

sion was appropriate, he corrected its errors and supplied its defects. The author's talents and judgment, Mr. Duponceau rates not above mediocrity, though he gives due credit to some of the interesting contents of the book. The account rendered by the Swedish missionaries to their spiritual superiors, in letters written before or about the year 1700, are replete with the most pleasing details, to which the perfect simplicity of the language lends additional attractiveness.

Further interesting and instructive disquisitions may be expected from the pen of this savant.

To the historical sketch of the university of Pennsylvania by Dr. Wood, now one of its Medical Faculty, we can here no more than refer—as an authentic and well written account of an institution in whose success every Pennsylvanian should feel a lively sympathy.

To the provincial literature of Pennsylvania, we turn with considerable satisfaction. A survey of this subject would convince the most credulous, that far from the policy of Penn having been hostile to human learning, the direct reverse was the case. The founder was a man of letters, and delighted in the converse of the learned. The same may be averred of Barclay and Logan and Story. Proud, the historian, possessed considerable erudition, and was a teacher of youth in a seminary of learning which had a charter from Penn. The charge of hostility to letters has been frequently brought against the society of Friends; but we feel convinced that an attention to the early history of Pennsylvania, will remove the imputation from them as a body.

We may dispose of the "Early Poets and Poetry of Pennsylvania" in a few words. We are indebted to the industry of Joshua Francis Fisher, Esq. for a faithful record of most of the early *rhyme* that budded in Pennsylvania. To dignify it with the name of *poetry* is profanation. The divine art is neither prose run mad, nor metaphysics, nor plain homely common sense put into jingle. So to class it, is to debase it to the level of chopping wood or running the lines of a survey. It is to deprive it of soul, which is its essence; for, when words come from the soul, the appropriate expression never fails them. "Thoughts that breathe," readily produce "words that burn." Moreover, the poets of a country are not they whose productions happen to be published there. Many of those mentioned in Mr. Fisher's sketch were Englishmen; but whether natives or foreigners, their proper designation is rhymesters, not poets. The rhymes, too, are no more *Pennsylvanian* than Swedish—contain nothing distinctive of the country, and could have been hammered out as well in one part of the world as in another. Peace then to the ashes of these *early poets*. May

no mistaken kindness hereafter disturb their remains. Let their modest worth ever be buried in the shades.

These remarks are, of course, not intended to detract from the merits of Mr. Fisher's communication, as a literary composition. It is very well written. This gentleman has proved himself one of the most valuable members of the society, whose archives he has enriched with important contributions, both of original memoirs, and valuable remains of the founder and others.

The colonial literature of Pennsylvania, to which we may with pleasure recur, is that which evinces the development of mind, and an attention to the all important topic of education. The literary remains of provincial Pennsylvania are those that might have been looked for from such a settlement. The settlers proceeded hither in the maturity of years; their tastes were Anglican, and already formed upon the models of their own land. They came to found a state, as we have before observed, by their laborious exertions, and not to revel in the ease and leisure essential to the production either of imaginative or abstruse efforts. There was too much about them of the reality of life, too many drafts upon their active faculties, too much of sober fact, to allow excursions into the regions of fancy, even if men like themselves were, under any circumstances, capable of this; which we do not mean to assert. They were all, eminently, practical men; but though this very circumstance indisposed them, or even rendered them unfit for the cultivation of the mere imagination, it conduced to their appreciation of the more solid constituents of learning. Hence, they turned their attention to the establishment of schools, of newspapers, and of periodicals of a more permanent nature; they planted the goodly tree, that their children might reap the fruit.

Thomas I. Wharton Esq., to whom the society is under obligations for some interesting and well written notes upon this subject, thus introduces his observations:—

“The first settlers of Pennsylvania were, chiefly, members of a religious society which has been supposed to deery and undervalue human learning, and to place literature, as well as painting and music, on its *index expurgatorius*. However truly this may have been said of some of the early teachers of that sect, certainly the colonial history of Pennsylvania affords no materials for the support of the theory. It is believed that no one of the states of this Union can exhibit so early, so continued, and so successful a cultivation of letters as Pennsylvania. Hardly had the emigrants sheltered themselves in their huts,—the forest trees were still standing at their doors, when they established schools and a printing press, to teach and to be enlightened: literally *inter silvas querere verum*. Within four years from the time that our ancestors landed in the wilderness, a printing press was at work in Philadelphia, sowing broadcast the seeds of knowledge and morality: and only a few months

after the arrival of William Penn public education was attainable at a small expense."—Vol. i. p. 101.

To this gentleman's intelligent researches, we owe most of the information which is extant upon the point; and the few facts which we shall present, are culled from his notes.

A school was opened in Philadelphia in 1683, and six years after, a public school, corresponding with our present seminaries or colleges, was founded by the society of Friends. The poor were taught gratis in this institution. A charter was granted to it in 1701; and the preamble contains a clause which is powerful in its bearing upon the position we have advanced. It recites, "Whereas the prosperity and welfare of any people depend in a great measure upon the good education of their youth, &c. and qualifying them to serve their country and themselves, by breeding them in reading, writing, and learning of languages, and useful arts and sciences, suitable to their sex, age and degree; which cannot be effected in any manner so well as by erecting public schools for the purpose aforesaid," &c.

Printing was introduced into Pennsylvania so early as 1686; four years after the landing of William Penn. This was comparatively earlier than in any of the sister states. In Massachusetts it was not introduced until eighteen years after its settlement, in New York not until seventy-three years thereafter, and in the other colonies even more lately.

The first printer was William Bradford, a member of the society of Friends. His printing-press was set up in Kensington, near the Treaty tree; and his earliest publication was an almanac. This—the most ancient as a printed book in Pennsylvania—had the following title page. It is certainly worthy of preservation:—"An Almanac for the year of the Christian account 1687, particularly respecting the Meridian and Latitude of Burlington, but may indifferently serve all places adjacent. By Daniel Leeds, Student in Agriculture. Printed and sold by William Bradford, near Philadelphia, in Pennsylvania, pro anno 1687." This *student in agriculture*, the fruit of whose lucubrations was an *almanac*, left the province and published a scurrilous libel upon the Friends.

The literature of Pennsylvania received an impetus from a source which usually imparts warmth to discussion, but serves rarely to bestow its polish. Religious dissension was the cause; and the chief actor a man famous in the early annals of the state. We will give a notice of it in the words of Mr. Wharton:—

"Religious controversy gave the first impulse to literature in Pennsylvania. It is a fit subject for patriotic pride, that a drop of blood has never been shed in this state in a religious quarrel: but it is nevertheless true that the usual quantity of paper and ink has been consumed on this fruitful subject: and from the dissensions of 1691, down to the Catholic

controversy of 1823, pretty much the same sort of temper has been exhibited. The disorder broke out in the very infancy of our history. George Keith, who has already been spoken of as head master in the Friends' public school, had no sooner been installed in the office of mending the grammar of the boys, than he set about correcting the religion of their parents. He maintained with great earnestness, that the 'Friends,' now that they had reached the elevation of power, and got into the administration of affairs, were, like most political aspirants, disposed to turn their backs upon the ladder by which they had mounted, and had adopted many of the practices against which they had so vehemently declaimed; and he was for recalling them to what he either did or affected to consider the true and ancient doctrine. He accused the principal functionaries of the society of spiritual lukewarmness, and denounced the magistrates, (at that time principally 'Friends,') for executing the judgments of the law upon malefactors, holding it to be inconsistent with the genuine faith for a believer to draw the sword, even though it be the sword of justice. In a word, he was, to use the language of the present days, an *ultra*. In 1689, previous to his quarrel with the leaders of the Friends, this active pamphleteer appears to have published a tract against the New England churches, which is said by *Thomas*, in his *History of Printing*, to have been the first book printed in Pennsylvania. In 1690, he entered the lists with Cotton Mather, and published two more pamphlets in vindication of the Quakers. The next year saw the commencement of the *internal* controversy. Keith, who was a public preacher, had given offence by his *heterodox* tenets, (at least so they were called by the elders,) and as they alleged, by his turbulent and overbearing spirit; and he was accordingly disowned, and denied the privilege of speaking in the meetings of worship. Thus debarred from giving vent to his opinions, through the accustomed channel, he sought that universal refuge, the press, from which soon appeared several pamphlets, reflecting in no gentle tone upon his adversaries. A prosecution ensued, of which the issue is somewhat differently narrated. Proud says, that the printers of these 'virulent pieces,' William Bradford and John M'Comb, were arrested by warrant from five magistrates, and upon their refusal to give security for their appearance, to answer for the publication, were 'nominally' only (he says) committed, never being in confinement, and were soon discharged, without having been brought to trial. On the other hand, it appears, from a pamphlet published at the time, and from which *Thomas* has given copious, though not altogether satisfactory extracts, that they were actually tried, after having been a considerable time in confinement. The jury, it seems, were discharged, having been unable to agree, notwithstanding a pretty decided charge from the court, who, if we may believe the author of the pamphlet, treated the prisoners with great harshness. They were not tried again, owing to a singular circumstance. It seems that the principal evidence against Bradford was his own set of types; the frame containing which, duly composed for printing the seditious pamphlet, was brought into court, a very potent though dumb witness against him. When the jury retired they took this frame out with them, and not being acquainted with reading backwards, reading forward being a considerable affair in early times, one of them attempted to place it in a perpendicular and more convenient situation, and, in so doing, the types fell from the frame, and so vanished the testimony for the prosecution. Bradford, after being released from confinement, went to New York, where, as has been already mentioned, he died."—Vol. I. pp. 106–109.

Keith became, subsequently, a minister of the Church of England, and "charged home" in desperate attacks upon all dissenters. But as there was no disposition to persecute him, his fire soon burnt out.

The first newspaper was printed in 1719. It was entitled "The American Weekly Mercury." Its price was ten shillings per annum. The writer proceeds :

"Nine years after the appearance of the American Mercury, the Philadelphia press was delivered of a second newspaper, to which the modest title was given of '*The Universal Instructor in all Arts and Sciences, and Pennsylvania Gazette.*' In his inimitable autobiography, Franklin has immortalized Keimer, the eccentric publisher of this journal, whose vanity and selfishness, whose wild notions upon religion and morals, and whose turn for poetry and gluttony are so happily and graphically delineated. Franklin, from whom Keimer had stolen the idea of a second newspaper, attacked it in a series of papers published in Bradford's journal and called the Busy Body. The '*Universal Instructor*' soon fell into decay, and then into Franklin's hands, by whom it was very skilfully and successfully managed, both for his own profit and for the interest and edification of the public. An editorial notice in one of Franklin's papers, proves in rather a ludicrous way how badly Philadelphia was supplied at the time (1736) with printing presses. What was called the *outer form* was printed reversely or upside down to the inner form, and the following apology is offered. 'The printer hopes the irregular publication of this paper will be excused a few times by his town readers in consideration of his being at Burlington with the press, labouring for the public good to make money more plentiful.'

"It is not generally known that this venerable journal survived until within a year or two of the present time, under the name of '*The Pennsylvania Gazette.*'"—Vol. I. pp. 119, 120.

The first *daily* newspaper that appeared on this continent, was published in Philadelphia. In that city, also, the first *literary* journal saw the light. Auspicious omen! A great man, too, was its printer and editor. No less a personage than Dr. Franklin. Its title was "The General Magazine and Historical Chronicle." The first number appeared on the 1st of January, 1741. It lived a year. In 1775, "The Pennsylvania Magazine or American Monthly Museum," was printed. The notorious Paine was its editor. In point of talent, it is certainly one of the best which appeared in America before the revolution.

To dwell upon these details is to us delightful; and we could do so at much greater length, did our limits permit. We can promise all who turn to the "Notes" of Mr. Wharton a literary treat. His sketch of Franklin is particularly interesting. But one more fact we will record. There are in the City Library, *four hundred and fifty-nine* works printed in Philadelphia before the revolution.

The annual discourse, delivered on the 24th of October, 1831, by Job R. Tyson, Esq. is interesting, as it adverts to subjects not dwelt upon in any of the previous publications of the society.

The orator exhibits the stand taken by Pennsylvania on the great principle of the revolution, and presents her position in its proper light. That state was the chief theatre of the war; the first congress assembled in her capital; there, Independence raised her infant voice. Mere sectional partialities were absorbed in the interest of the common cause. The special deserts of Pennsylvania in that awful crisis have never received elucidation from any native pen; in fact, from none, save the kind, though necessarily imperfect, efforts of the German Ebeling. Mr. Tyson most properly proposes the theme as one worthy of the selection of the historian, and depicts the topics calling for the notice of the annalist.

He also vindicates the conduct of the quakers during that contest from the imputation of toryism or treason. Their neutrality (for it was nothing more) was the prompting of conscience; the result of religious feeling. Their sect is the enemy of war; the unresisting recipient even of aggression; unresisting, we mean, by the weapons of carnal warfare; and even those who differ from its members in their construction of the dictates of revelation, should not withhold the respect which is ever due to conscientious, unaffected conduct, though considered by them to spring from error of opinion. The good sense and good feeling of succeeding years have already wiped the ill deserved stain from their mantle.

The writer proceeds to take a survey of the course of legislation in Pennsylvania; exhibiting its impress upon law, the penal code, and prison police. He also sketches in bright colours and in polished language her resources and capabilities; and, the manner in which, prior to the date of his discourse, the State had developed them. We shall extract what he says upon the literary pretensions of Pennsylvania. The claims of every part of our Union in this respect, should be put prominently forward. It may conduce to the furtherance of an intellectual spirit in each; a consummation earnestly to be desired by every friend to the permanent reputation of his country.

"Upon a comparison of the number of newspapers now published in the state with what were issued at the revolution and are now printed abroad, we shall find that the *common* mind of Pennsylvania cannot languish or decay for want of a generous sustentation. Between the settlement of the province and the year 1775, there had sprung into being about sixteen newspapers in the English and German languages; but few of these were destined long to illuminate the colony. Lights which shone vividly for a time, were soon extinguished for want of the necessary aliment, and these were succeeded by others which, after dispensing a flickering and momentary glare, were destined in their turn to go out for ever. It was seldom, and for brief periods, that more than three or four existed simultaneously, and from 1762 to 1773 only three papers were circulated at Philadelphia. According to Thomas's History of Printing, the year 1775 gave birth to five newspapers and a magazine;

but the war suspended or terminated the publication of the latter and two of the papers—a third was destroyed by fire—and of the two remaining, one survived till 1778, and the other finished its career in four years afterward. The magazine is pronounced to have been meritorious for the character of its literary contents, though its principal contributor was a personage neither greater nor less than the notorious Thomas Paine. But that age was not without luminaries of a superior order. Dickinson, to whose 'Farmer's Letters' Ramsay ascribes the impulse of the revolution, Rittenhouse, Franklin, Rush, Ewing, Hopkinson and Galloway, formed a constellation of no ordinary magnitude. They surrounded that day with a splendour, and gave to it a celebrity, which must ever reflect a brightness upon Pennsylvania. To enable us to ascertain with some little precision the character of our intellectual advancement, we must take into consideration the condition of a new country, requiring the application of its energies to subjects uncongenial with erudite researches and literary success. Though many of the writers, who have since acquired distinction, flourished during the revolution, and may be classed with either division, I may perhaps be justified in referring to Parke, Graydon, Samuel Stanhope Smith, West, Fulton, Dennie, Linn, Brown, and Godman, as authors and geniuses who belong more particularly to a subsequent period. So many circumstances may operate adversely to the display of great powers in literature—the diversion of the public mind to practical objects, and a temporary indifference in the public taste to the elegances of literary composition—that an entire destitution of eminent men should furnish no criterion of the national intellect. The commanding eminence of the bench and bar of Pennsylvania, the learning and acuteness which have marked the medical profession, the erudition and eloquence of the clergy, the high estimation of our various seats of learning, and above all, the unrivalled reputation of a great medical university, indicate no dearth of talents, no want of devotion to study. Public libraries are to be found, perhaps, in every county of the state, and the Athenæums established in petty villages evince a diffusive zeal for knowledge, and an ardour of liberal inquiry, to which it is difficult to point out a parallel. Among the literary institutions of the United States, the Philadelphia Library, and the American Philosophical Society, deserve a prominent station, if indeed they be not altogether unrivalled and transcendant. The library which, in its inception and early progress, had to struggle with very restricted and even contemptible resources, has assumed a magnitude which in the number and value of its books, surpasses any collection on this side the Atlantic. Though its existence was so early as 1731, the number of its volumes in 1785 did not exceed 5,487. In 1806 they amounted to 14,218, showing an augmentation in twenty-one years of 8,731 books; and in the twenty-five years which have since elapsed, the amount is more than quadruple—the number being now estimated at more than 37,000 volumes.* A cursory inspection of the voluminous catalogue will suffice to discover the character of its ingredients, and to exhibit in its contents as well the rarest gems of antiquity as many of the useful and elegant productions of all nations of modern and subsequent times. The American Philosophical Society was originally established at Philadelphia in the year 1743, and formed a junction in 1769 with another literary association of similar objects and design. Though at first devoted

* This in 1831. The number now is 44,000.—Ed.

to the natural and mathematical sciences, it now embraces in its circle of investigations the antiquities, topography, geography, statistics, and history of the state and country. Little need be said of an institution which can display in imposing succession upon its scroll of presidents, such names as Franklin, Rittenhouse, Jefferson, Wistar, Patterson, Tilghman and Duponceau. The ten volumes of Transactions published, including the volume which has been issued by the Committee of History, demonstrate an ardour of literary enterprise and a depth of research, a plenitude of mind and a variety and profundity of attainment, which reflect the highest credit upon the country. The contributions of Franklin and Rittenhouse, of Dr. Smith and Francis Hopkinson, are characterised by a native amplitude of soul, capable of adding to that science which looks into the sublime and awful mysteries of nature, a comprehensiveness of conception and a boldness of discovery, which lie beyond the grasp of the narrow, the timorous, and the weak. But, undazzled by the splendour of a philosophy which penetrated into the immeasurable regions of the planets and the countless wonders of the galaxy, and that which subjected to human control the terrific lightnings of heaven, let us be just to the more homely, but not less practical monuments erected by patient thought and sedulous reading. It is to these fruits of genius and toil we are indebted for the speculations of a learned and ingenious philologist, which unfold to us the amazing beauty and very artificial structure of the Indian idioms, and which plausibly exhibit, perhaps conclusively prove, that the red men of the American forests, however separated by distance and marked by contrariety of habits, are united by the relationship of a common ancestry—by the ties of an identical origin. If, before and during the revolution, Pennsylvania could boast, in this institution, of a Godfrey born, and a Franklin educated and adopted, we may yet claim a Rittenhouse, a Wistar, a Patterson, a Tilghman, and a Godman—not to mention many eminent survivors, contemporary with that illustrious group.

Taking the relative number of periodical works as a guide by which to estimate our advancement or recession, we have every reason to be satisfied with our lot—every inducement for the indulgence of national complacency. In the year 1775, including the periodicals which then had commencement with those which existed antecedently, the aggregate number of published sheets and magazines did not exceed *nine*. In 1810, they had increased to seventy-one, and in 1828 they amounted to one hundred and eighty-five, a number greatly exceeding the ratio of augmented population, and more than equal to any two states in the Union, with the exception of New York. The number of literary works annually published at Philadelphia, not only transcends that of any other city in the Union, but is estimated to be nearly equal to them all united. These comprehend native works, and reprints of that endless variety of productions with which the European press is teeming, from the lightest novel and poetry of the day, up to the most daring reaches of philosophy and the nicest points of philology and criticism. The reasonable proportion of those upon music and the fine arts, attests the tendencies of the public taste, and indicates that stage in the educated mind when it has received the last impress and polish of refinement. It argues that beauty of mental perception and exquisite delicacy of feeling, which are connected with elegance of manners, and the highest culture of the understanding.”—pp. 33-39.

The oration of Peter McCall, Esq. on the 29th of November, 1832, was devoted to a consideration of the progress of the

society of Friends in Pennsylvania, and their impression on her institutions, literary, benevolent and political. He enforced the prominent influence of that society by a view of the peculiar character and principles of the men who founded and long governed the state. The topic was undoubtedly of interest and importance, and is well handled by Mr. McCall. The language is always neat and appropriate, and the illustrations occasionally beautiful.

Dr. Coates, in his discourse of the 28th day of April, 1834, undertook the discussion of a question, whose explanation seems as impracticable as the discovery of a northwest passage, and probably, when found, as useless. We mean "the origin of the Indian population of America." The writer, however, with learned industry, collected all the information and speculations upon the point, and presented some, not improbable, of his own. To the man fond of abstruse investigation, and of peering through the dim mist of the most remote antiquity for evidence on which to found a theory of the process of populating America, we would recommend the pages of Dr. Coates.

The literary execution of these volumes, we feel assured, will well sustain the reputation of Pennsylvania.

ART. III.—*Animal and Vegetable Physiology, considered with reference to Natural Theology, by Peter Mark Roget, M. D. Philadelphia, 1836.*

It is as useful as well as an agreeable task to lay hold of the discoveries of science, and apply them to minister to the animal wants of man, to extend the sphere of human happiness, and increase the domain of human power. Such has been the employment of many who may justly be styled the benefactors of the human race. However highly we may estimate such services, they are, in the eye of him who has a just view of the true aim of our existence, far inferior in importance to the labours of those, who in the new and ever varying researches of modern science, find at every step, fresh proofs of the wisdom of the great first cause of "this universe and all created things."

It has indeed been sometimes the case that the student of physical science, accustomed to explain, in words, laws of nature whose final cause is inscrutable, and to accept these explanations in the room of that knowledge which is unattainable, has presumptuously fancied that natural effects were the result of agents controllable, if not producible, by human power. Nay some have gone so far as to assert the agency of chance in the

production of the fair world which we inhabit. Such opinions are, however, far from being the usual or the legitimate results of profound scientific enquiry; and we may indeed safely assert that they have never occurred to the enquirer into the phenomena of the material world, except where the mind had been previously darkened by the jargon of the metaphysician, and was prepared to question the evidence of its senses.

Whoever enters without any previous bias into the study of the works of nature, and draws to his aid a knowledge of the physical and mixed mathematical sciences, must see at every step evidence of a wisdom in design, and a skill in execution, so far surpassing the proudest triumphs of human ingenuity, that the greatest extent of our knowledge can only enable us to admire, without any hopes even of distant imitation. And this wisdom and this skill are not manifested alone in the vast expanse of the heavens, but are seen to equal advantage in the most minute atoms that are revealed to the microscope; not only in the structure of that body which, frail and perishable though it be, has been proudly named the microcosm, but in the invisible tenants who people drops of the most pellucid fluids.

It is in the last named instances that we are most speedily brought to a conviction of the necessity of a cause of infinite power. We may ascribe the mutual attraction of the planets, the aggregation of the parts of inorganic bodies, the phenomena of chemical action, to forces that we may choose to say are inherent in material substances, and some are so wilfully blind as to rest here and enquire no further. But in the phenomena of life, whether vegetable or animal, we see these forces either set at absolute defiance, or so modified as to produce the most unexpected results; and when we find the vital agents brought into action we know not how, extinguished we know not wherefore, and discover that every new advance only serves to render the distance between us and these causes more apparent, we are compelled to rest in our enquiry, and admit, however mortifying to our pride, that these are the works of an author as pre-eminent in power as he is in wisdom. The best and most potent arguments of natural theology are therefore drawn from the science of physiology.

"The evidence of design and contrivance in the works of nature carries with it the greatest force whenever we can trace a coincidence between them and the works of human art. If in any unknown region of the earth we chanced to discover a piece of machinery, of which the purpose was manifest, we should not fail to ascribe it to the workmanship of some mechanist, possessed of intelligence, actuated by a motive, and guided by intention. Farther, if we had a previous knowledge of the operations of similar kinds of mechanism, we could not doubt that the effect produced was the one intended by the artificer. Thus, if in an

unexplored country, we saw, moving on the water of a lake, the trunk of a tree carved into the shape of a boat, we should immediately conclude that this form had been given to it for the purpose of enabling it to float. If we found it also provided with paddles at its sides, we should infer, from our previous knowledge of the effects of such instruments, that they were intended to give motion to this boat, and we should not hesitate to conclude that the whole was the work of human hands, and the product of intelligence and design. If in addition, we found this boat furnished with a rudder and with sails, we should at once understand the object of these contrivances, and our ideas of the skill of the artificer would rise in proportion to the excellence of the apparatus, and the ingenuity displayed in its adaptation to circumstances.

"Let us suppose that in another part of this lake we found an insect,* shaped like the boat, and moving through the water by successive impulses given to that medium by the action of levers, extending from its sides, and shaped like paddles, having the same kind of movement, and producing the same effects. Could we resist the persuasion that the artificer of this insect, when forming it of this shape, and providing it with these paddles, had the same mechanical objects in view? Shall we not be confirmed in this idea when we find that these paddles are constructed with joints that admit of no other motion but that of striking against the water, and thus of urging the animal forwards through that dense and resisting medium? Many aquatic animals are furnished with tails which evidently act as rudders, directing the course of their progressive motion through the fluid. Who can doubt that the same intention and the same mechanical principles which guide the practice of the ship-builder, are here applied, in a manner still more refined and with a master's hand? If nature has furnished the nautilus with an expansible membrane, which the animal is able to spread before the breeze when propitious, and by means of which it is wafted along the surface of the sea, but which it quickly retracts under unfavourable circumstances, is not her design similar to that of the human artificer, when he equips his bark with sails, and provides the requisite machinery for their being hoisted or furled with ease and expedition."

We may add: how complex and clumsy are all the contrivances of human art as applicable to this particular case, when compared with the strong yet delicate, the effectual yet simple, means by which the operations of the living animal are performed? How slow are the manœuvres of the most perfect vessel, compared with actions of the living bark, which obey the simple volition with the proverbial rapidity of thought?

"The knowledge of the laws of electricity in its different forms, is one of the latest results which science has revealed to man. Could these laws, and their various combinations, have been unknown to the power who created the torpedo, who armed it with an energetic galvanic battery, constructed upon the most refined scientific principles, for the manifest purpose of enabling the animal to strike terror into its enemies, and paralyse their efforts to assail it?

"Does not the optician, who designedly places his lens at the proper distance in a darkened box, for the purpose of obtaining vivid pictures of the external scene, evince his knowledge of the laws of light, of the pro-

* Such as *Notonecta Glauco*, Lin. or water-boat-man, and the *Dytiscus Marginalis*, or water beetle.

perties of refracting media, and of the refined combinations of those media, by which each pencil is brought to a separate focus, and adjusted to form an image of remote objects? Does it not, in like manner, argue the most profound knowledge and foresight in the divine artist, who has so admirably hung the crystalline lens of the eye in the axis of a spherical case, in the fore part of which he has made a circular window for the light to enter, and spread out on the opposite side a canvass to receive the picture? Has no thought been exercised in darkening the walls of this camera obscura, and thus preventing all reflection of the scattered rays that might interfere with the distinctness of the image? What human art has ever equaled the surpassing skill, by which, within so small a space, are provided the means of viewing bodies with equal ease, whether they lie within a few inches or at a distance of millions of miles; a provision that we know exists, but which our most close investigation has still left almost unexplained? What minute acquaintance with the properties of light, and of the media it traverses, has it not required to obtain an image free from the defects of those produced by the most perfect artificial instruments? Who placed this delicate apparatus in a cell where it is almost certainly protected from external violence, yet possesses an extended field of view? Who lodged it on elastic cushions allowing it every requisite freedom of motion; contrived the delicate cordage and pulleys by which this motion is caused; gave it lids to exclude dust, and fringed them with a silky veil? Who causes its windows to dilate and contract in conformity with every varying intensity of light, often without our knowledge, and always independently of our volition? Can the most absolute sceptic refuse to admit that the planner and constructor of such wonders is divine?

"These facts, if they stood alone, would be sufficient to lead us irresistibly to this conclusion; but evidence of a similar kind may be collected in abundance from every part of living nature to which our attention can be directed, or to which our observations have extended. The truths they teach, not only acquire confirmation by the corroborating tendency of each fact of the same description, but the multitude of these facts is so great that the general conclusion to which they lead must be considered as indubitable."

If we consider life merely as a mechanical force, we find it opposing and overcoming forces which in other cases are unconquerable. The tree rises and towers to the clouds, its sap circulates in its vessels, animals increase in stature and their blood is propelled to their highest points, in direct opposition to the force which holds the planets in their orbits and governs the path of suns mightier than our own. The products of organic matter are composed of elements united often in direct opposition to the laws of chemical attraction; we may examine them and discover their constitution, but even in their simplest form they defy our imitation. We find those of similar composition dissimilar in properties, we know not why: the most wholesome food and the most deadly poisons, may be identical in their chemical analysis, and the food which ministers to the growth of the vilest parasitic animal is the same with that which nourishes the boasted lord of creation.

Life is of two descriptions, giving birth to the two great

natural kingdoms, the vegetable and the animal. Between the more perfect specimens of these two great reigns, it is impossible to mistake the difference, yet there are instances, where the more distinctive properties of each become so feeble, that naturalists have been puzzled in which kingdom to class them. The grand and important distinction taken by our author is this:—vegetables absorb into their circulation whatever is presented to them, without the aid of any preparatory operation; while in animals, their food is elaborated and prepared for circulation by a preliminary process requiring an appropriate organ.

The only vehicle of the food of plants is water, and so essential is this to their growth that it was at one time supposed that it was alone sufficient. This water is absorbed from the soil by apertures placed at the extremities of the roots. Thence it is forced upwards, not only by the capillary attraction of their pores, but by a mechanical force which has been shown to be, in some instances, greater than the pressure of the atmosphere, and must in all be sufficient to raise the fluid to their highest branches. In some plants this force is suspended by the influence of frost, which destroys the life of the succulent parts, and locks up the circulation even in the firmest woods. In others a heat is supplied by the vital action which renders the sap capable of resisting the cold. It is by no means easy to explain the generation of heat in animals, and the fact of a raised temperature in vegetables has been but little noticed, nor has any attempt been made to account for it. We conceive however, that the latter is attended with little difficulty. The food of plants is liquid, their permanent parts solid, and in the conversion of the former into the latter, heat is unavoidably disengaged and assumes the sensible form. Thus by a wise application of a universal law, plants are prepared to vegetate near polar snows and at the edge of glaciers. The aqueous matter absorbed by the roots of plants carries with it every soluble substance in the soil, or in the neighbouring atmosphere. From the former source it derives earthy and saline matter, from the latter a variety of gases. Gases are also confined by the soil, and there can be no doubt that the water takes them up also; of the gases, that which is usually supposed to have the greatest influence in vegetable physiology is carbonic acid, but we are inclined to ascribe an important agency to the carburets of hydrogen, which are evolved by the decomposition of animal and vegetable substances, and to matter so subtile as to have escaped chemical research, although known to our sense of smell, and which we find to be absorbable by water.

The water holding such substances in solution is raised, by the forces of which we have spoken, to the leaves. Here it is

spread over a large surface, and permitted to communicate with the air by means of numerous pores. By an action which requires the presence of light, the carbonic acid is decomposed, its oxygen is liberated and mixes with the atmosphere, while the carbon entering into new combinations remains in the plant. By this action the sap, which has ascended in the form of a watery liquid, is converted into gum or resin, which commences its descent towards the root, and in its progress deposits the woody fibre and other parts of the vegetable structure. Among these deposits one of the most important is *fecula* or starch, which although not directly useful, is stored up in cavities or cells, out of a superabundant nutriment, in order to enter again into the circulation at times when appropriate food is deficient. With these are also deposited such earthy and saline matter as the peculiar character of the plant requires; thus, *silex* is deposited in the joints and stems of the grasses, carbonate and sulphate of lime in other terrestrial plants, potash in terrestrial vegetables, and soda in those which grow in and near the ocean. These earths and salts, although hardly noticed by chemists, among vegetable principles, are, notwithstanding, each in its proper sphere, necessary to the growth of plants. Thus the *salsola* will not grow at a distance from salt water; wheat will not flourish in a soil which does not contain carbonate of lime; clover fails when the sulphate cannot be furnished, and the grasses wither in pure calcareous earth.

At the root of the plant the descending fluid, as is now generally believed, discharges all that is unnecessary to the growth of the plant, and often such soluble substances as are actually noxious to it. It thus happens that there are plants, two successive generations of which can be raised with difficulty, or refuse to grow spontaneously on the same soil. In our own forests, a growth of pine is succeeded by oak; of hemlock, by beech and maple; and a skilful agriculturist will refrain, even if he have no difficulty in obtaining manures, from repeating the same crops in too frequent succession.

Such then is the apparently simple process of the growth and nourishment of plants. Yet how much is there in it inscrutable to us! The mighty plane springs from the same soil with the most minute herb; the dense and heavy locust, with the succulent clover; and the deadly night-shade with the nutritious and wholesome wheat. Their most important elements are identical in character, and yet how different the character of their combinations, even when in similar proportions?

If we look to the mechanical structure of plants, we shall find most distinct evidence of wisdom in design. Their structure is made up of bundles of hollow tubes, which not only allow freedom of circulation, but give the greatest degree of

strength. If they are to support the weight of heavy seeds, or resist violent external action, the tubular structure is not confined to their elementary parts, but these are again arranged in a tubular form, and thus the greatest degree of strength is, by a well known mechanical principle, attained at the least expense of material. The stems of trees rise from their roots, branches are inserted into trunks, and twigs spring from branches, in forms that mathematical analysis has shown to be the most stable, and which the most skilful artists have found profit in imitating.

"The graceful and continuous curve with which the stem of a tree rises from the ground, is the form which is best calculated to give stability to the trunk. Evidence of express mechanical design is likewise afforded by the manner in which the trunk is subdivided into its branches, spreading out in all directions, manifestly with a view to procure for the leaves the greatest extent of surface, and thus enable them to receive the fullest action both of light and air. The branches, also, are so constructed as to yield to the irregular impulse of the wind, and again, by their elasticity, to return to their natural positions; and by these alternate inflexions on opposite sides, to promote the circulation of the sap in the vessels and cellular texture of the liber and alburnum."

"Nothing can exceed the elegance of these forms, which are every where presented in the vegetable kingdom; whether they be considered with reference to their direct utility for the support of individual life, and the continuance of the species, or whether they be viewed as component parts of that beauty which is spread over the scenery of nature, and is so delightfully refreshing to every beholder alive to its fascinating charms. How enchanting the variety of flowers that decorate, in gay profusion, every path of the garden of creation; and into which the further we carry philosophic scrutiny, the more forcibly will our hearts be impressed with the truth of the divine appeal, that 'even Solomon, in all his glory, was not arrayed like one of these.'"

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"In the smaller parts of plants, as in the general fabric of the whole, we find, on examination, the most admirable provision made, according to the particular circumstances of the case, for the mechanical objects of cohesion, support, and defence. Thus, the substance of the leaf, of which the functions require that a large surface be expanded to the air and light, is spread out in a thin layer upon a framework of fibres, like rays, connected by a network of similar fibrils, and constituting what is often called the skeleton of the leaf."

"In all these vegetable structures, while the objects appear to be the same, the utmost variety is displayed in the means of accomplishment, in obedience, as it were, to that law of diversity which seems to be a leading principle in all the productions of nature. It is more probable, however, judging from that portion of the works of creation which we are competent to understand, that a specific design has regulated each existing variation of form, although that design may be beyond the limited sphere of our intelligence."

We have seen that, besides carbonic acid, other compounds of carbon of less solubility are absorbed in solution with water by the roots of plants. These require to be converted into carbonic

acid before they can be elaborated and prepared for nourishment. To meet this, the leaves of plants decompose carbonic acid only when light is present. During the night they absorb oxygen from the atmosphere and emit carbonic acid. But the latter action is far less intense than the former, and thus the oxygen liberated is in much greater quantity than that absorbed. It therefore happens that the plants with which so great a portion of the earth is covered, are continually pouring out that gas which is indispensable to the support of animal life. This gas, by a mechanical law, tends to distribute itself uniformly through every part of the atmosphere, and thus no appreciable difference has been detected in its quantity in air of the most distant places, and varying in salubrity in the most remarkable degree. Animals again convert this oxygen into carbonic acid, and prepare it to serve as the food of plants. Thus by an arrangement whose wisdom is apparent, the two kingdoms are made to contribute mutually to each other's support. Nay they are essential to each other's existence. Destroy the animal reign, and the vegetable will speedily perish for want of its proper nutriment. Eradicate the vegetable cover of the earth, and the air will ere long lose that element by which a noxious portion is separated from the blood at each respiration.

We are glad to see that our author leans again to the almost abandoned theory of the origin of animal heat. The oxygen of the atmosphere, in extracting carbon from the blood and forming with it carbonic acid, must as we conceive generate heat. The phenomena are no doubt very different from those of ignition, yet we cannot but believe that they are correctly ranked under the general fact of combustion. The combination begins at temperatures far less than are required for that of any other modification of carbon, and produces a less degree of heat than their usual combinations are attended with, in consequence of the greatness of the surface over which so limited a quantity of charcoal is spread. Yet we cannot in consistence with other chemical actions deny that heat must be generated. Thus the blood at each respiration has a greater degree of heat imparted to it than is wasted by its own exposure to cooling influences. But this excess of heat is not accumulated in the animal frame. On every part of the surface of the body minute pores exist, through which a colourless fluid is continually transmitted by healthy animal action. The quantity of this is graduated in exact proportion to the excess of heat, and it is subject to spontaneous evaporation by which this excess of heat is carried off in the latent state. Thus the body of a healthy man, exposed to variations of temperature of a great but not unlimited extent, is capable of maintaining a uniform heat.

We have said that this power is not unlimited. Natives of warm climates are affected with torpor when suddenly transported to those which are cold, and the negro race is reduced to inaction in weather which acts as a stimulus to the energies of the Caucasian family. Europeans suddenly transported to tropical climes, as was observed by Davy, are oppressed, and their bodies heated beyond the appropriate limit. From this cause disease infallibly arises; and this, if fatal in some instances, causes such a change in the structure of the skin of those who survive, as to allow of more copious transpiration, by which the proper equilibrium may be subsequently maintained.

The structure of animal bodies is made up of various solid and fluid materials. Bones, shells, or crusts, are the firmest of the solid parts; the softer portions are made up of a cellular tissue; the bones are tied together by ligaments. Of these ligaments many are inextensible, while others unite great compactness and strength, with a considerable degree of elasticity. The latter are employed in the support of heavy parts, which require to be suspended and yet possess freedom of motion.

"An instance occurs in quadrupeds, in that strong ligament which passes along the back and neck to be fixed to the head, and to support its weight when the animal stoops to graze. This, the *ligamentum nuchæ*, as it is termed, is capable of great extension, and by its elasticity, reacts with considerable force in recovering its natural length, after it has been stretched. This ligament is particularly strong in the camel, whose neck is of great length."

Similar ligaments connect the necks of birds to their backs, hold their wings to their bodies, when not in use, retract the claws of feline animals within their sheaths, and support the organs of digestion in herbivorous animals. These ligaments act by their own elasticity, and independently of the volition of the animals. Voluntary motions are produced by muscles. These are capable of contracting in obedience to the will, and of allowing themselves to expand when the exertion of volition ceases. In this contractility a principle of motion resides which cannot be referred to any of the primary forces which exist in the mechanical world. Mere machinery is incapable of exerting mechanical force, unless it have derived it from some external source. Even in the watch and the steam engine, the power is to be traced to the hand which wound up the spring, or that which supplies the furnace with fuel.

Even in the lower classes of animals, whose substance appears to be little else than mere pulp, this power of contractility is apparent, although we cannot perceive the means by which it is transmitted; and organs of similar structure exist in the higher classes of animals, where they influence involun-

tary motions, and perform important functions, such as those of respiration. In the latter classes, however, muscles are generally made up of numerous distinct fibres, which can be traced from the point at which the muscle is supported, to that where its contractility acts to produce motion. This power of the muscles is often exerted upon points distant from that part of the living animal in which themselves are situated, for it often happens "that the presence of the moving agent in the spot where its action is wanted would be exceedingly inconvenient." The connection is, in such cases, made by tendons, which act like ropes or pulleys to transmit the force to the place where it is needed. Thus, as the human hand would have been cumbersome and unwieldy if it had been incumbered with all the muscles necessary for the movements of the fingers, they are therefore situated upon the arm, and their tendons pass over the wrist to the bones which are to be set in motion.

The lowest station in the scale of organised animals is occupied by the sponges. These possess no powers of locomotion except during the brief period which elapses between their separation from the parent animal, and their finding a proper place to which to attach themselves. From the latter moment they become as stationary as vegetables, and their mode of receiving nourishment appears in some degree similar, for they are constantly pouring forth minute streams of water from visible orifices, which must be supplied by the absorption of that liquid through minute pores.

Polypi, in their external appearance, and in the forms of the habitations they construct, also approach the vegetable reign; they become fixed, at an early period of their life, and lose the power of removing from the spot to which they are, as it were, rooted. Still, however, the distinction we have already noted exists; the food of animals must be conveyed into an interior cavity, where, as in a chemical laboratory, it undergoes that change which results from the operation called *digestion*.

The lowest orders "have little more than a simple digestive cavity, performing, at once, the functions of the stomach and the heart; without any distinct circulation of nutrient juices, without vessels, nay, without any apparent blood. Long after all the other organs, such as the skeleton, whether internal or external, the muscular and nervous systems, the glands, vessels, and organs of sense, have, one after another, disappeared, we still continue to find the digestive cavity retained, as if it constituted the most important and only indispensable organ of the whole system."

"The possession of a stomach, then, is the peculiar characteristic of the animal system, as contrasted with the vegetable. It is a distinctive criterion that applies even to the lowest orders of zoophytes, which, in other respects, are so nearly allied to plants. It extends to all insects, however minute, and even to the minutest of microscopic animalcules."

That animals should, in general, possess powers of locomotion, is a corollary of this mode of nutrition. While plants belong to the spot whence they derive their nourishment, an animal has receptacles in which he may lay in a store of food, and may be said to be supported from within.

"Important consequences flow from this plan of structure; for since animals are thus enabled to subsist for a certain interval, without needing any fresh supply, they are independent of local situation, and may enjoy the privilege of moving from place to place. Such a power of locomotion was indeed absolutely necessary to beings which have their subsistence to seek. It is this necessity, again, which calls for the continued exercise of their senses, intelligence, and more active energies; and that leads, in a word, to the possession of all those higher powers which raise them so far above the level of the vegetable creation."

If the distinction between the lower stages of animal life and that which is merely vegetable be difficult to point out, this is not the case in the animals whose organization is more perfect. These are particularly marked by extensive powers of locomotion, exercised in obedience to volition.

Each independent voluntary motion of an animal is caused by the action of a pair of muscles. These are so arranged that one must, necessarily, contract when the other expands. If one, therefore, act to bend a joint, the other yields to its action, and again reacts, without assistance from the first, to straighten the limbs. Hence they have been respectively named *flexors* and *extensors*, and called *antagonists* to each other. These muscles rise from portions of the body usually more near to the trunk than the parts to which they communicate motion, and when the latter are limbs, are applied to points at no great distance from the joint. Thus each separate element of the limb becomes a lever of the kind ranked by mechanics as the third class. In this, velocity is gained at the expense of power. This loss of power is attended in no case with any evil consequence, for the contractile power of the antagonist muscles is in all cases sufficient for the exigencies which the habits of the animal demand. On the other hand great benefit is derived from the superior degree of agility which is thus conferred. But there are many mechanical cases in which the effective action is to be measured by the square of the velocity, and in all these cases the arrangement which we have mentioned is demanded for the most useful exertion of strength.

There is one marked exception to this general rule. Man is, as we shall have occasion to see hereafter, planned to walk in an erect posture. His usual mode of progress requires that his weight shall be moved horizontally forwards, with rapidity, and at the same time slowly raised. The first action being performed parallel to the surface on which it rests, requires no

great exertion of power, and is performed by levers of the third class. But the second action demands a greater exertion than in the case of quadrupeds, as a single limb of man must do as much as two of theirs, and at the same time maintain a balance under far more difficult circumstances. To meet this exigency a part of the lower limb, which in quadrupeds serves merely to extend the length of the leg, is fashioned in man into the principal portion of his foot. The fulcrum or point around which the motion is performed, is transferred from the ankle joint to the ball of the foot, and the muscles which give it motion are bound by tendons to the heel. Thus the lever becomes one of the second order, power is gained at the expense of velocity; and a motion which even those animals that approach most nearly in structure to man, perform with difficulty, and which to others is impossible, is effected by man with the greatest ease. To complete the arrangement, muscles are provided of more than usual size: these reside in the calf of the leg, and are not only essential in this particular office, but add, in no small degree, to human beauty and symmetry.

"It is impossible to doubt that nature intended man to assume the erect attitude, when we advert to the mode in which the head is placed upon the spiral column. The enormous development of the brain, and of the bones which invest it, increases so considerably the weight of that part of the head which is situated behind its articulation with the vertebræ of the neck, that the balance of the whole is much more equal than it is in the monkey, where the weight of the fore part very greatly preponderates. The muscles which bend the head back upon the neck, and retain it in its natural position, are therefore not required to be as strong as they are in quadrupeds, especially in those which graze, and in which the mouth and eyes must frequently be directed downwards, for the purpose of procuring food. In man this attitude would, if continued, be extremely fatiguing, from the weakness of these muscles, and the absence of that strong ligament which sustains the weight of the head in the ordinary horizontal attitude of quadrupeds.

'Pronaque cum spectant cætera animalia terram,
Os homini sublime dedit, cælumque tueri
Jussit, et erectos ad sidera tollere vultus.'—OVID.

"In all quadrupeds, and even also in the quadrumana, the fore extremities more or less contribute to the support and progression of the body; it is only in man that they are exempted from these offices, and are at liberty to be applied to other purposes, and employed as instruments of prehension and touch. In the power of executing an infinite variety of movements, and of actions requiring either strength, delicacy, or precision, the human hand and arm, considered in their mechanism alone, are structures of unrivalled excellence; and when viewed in relation to the intellectual energies to which they are subservient, plainly reveal to us the divine source from which have emanated this exquisite workmanship, and these admirable adjustments, so fitted to excite in our breasts the deepest veneration, and to fill us with never ceasing wonder."

This erect posture is not maintained without effort. Although from habit we are not aware of the action which is demanded in sustaining us in an upright position, such action is notwithstanding necessary, and is of such a degree that we are continually led to relieve ourselves from the fatigue it causes, by changing our support from one foot to the other ; and no exercise is more annoying than to be compelled to use both legs at once for any long period of time to support our bodies. In man and most of the great class in which he is ranked, the extensor are longer than the flexor muscles, and hence the position of the limbs when neither are in action is slightly bent. When the former act and the latter are relaxed the limb is straightened, as one of the legs is when we stand erect. In the elephant, however, whose great weight demands much exertion to raise it, the two sets of muscles approach more nearly to equality in length, and hence his legs are capable of retaining the form of a column when the volition ceases, as in sleep, and it is not absolutely necessary for him to lie down to repose. Some birds also sleep resting on their feet. In these, however, the same power is given by an exactly opposite arrangement. The feet are formed of several limbs analogous to the toes of the human body, and the bones which correspond to the foot of man, form the lower portion of the leg. The tendons which convey the action of the muscles to the foot are thin and wiry, and the extensors much longer than the flexors ; hence the position of the joints of the foot when they are not in action, is that of the greatest curvature. When by the action of the muscles the foot is spread out and set upon the ground, their subsequent repose tends to draw the claws together, but this motion is counteracted by the pressure of the weight of the body, and they are firmly fixed upon the ground. Thus the body of birds may be balanced, and rest even during sleep, on but one of the feet.

In birds which perch when they sleep, the tendons which bind the toes rise from muscles near the body, and pass over the intervening joint, so that "whenever these joints are bent, those tendons are put upon the stretch, and mechanically, or without any action of the muscles, close the foot."

"The power of flying is derived altogether from the resistance which the air opposes to bodies moving through it, or acting upon it by mechanical impulse. In the ordinary movements of our own bodies, this resistance is hardly sensible, and scarcely even attracts notice ; but it increases in proportion to the surface which acts upon the air, and still more according to the velocity of the moving body ; for the increase is not merely in the simple ratio of the velocity, but as its square, or perhaps even a higher power. In order that an animal may be able to fly, therefore, two principal conditions are necessary ; there must, first, be a considerable extent of surface in the wings or instruments which act upon the air ; and there must, secondly, be sufficient muscular power to give these

instruments a very great velocity. Both these advantages are found combined in the anterior extremities of birds, and no animals belonging to any other class possess them in the same perfection. No quadruped, except the bat, has sufficient muscular power in its limbs, however aided by an extent of surface, to strike the air with the force requisite for flight. No refinement of mechanical ingenuity has ever placed the Dædalion art of flying within the reach of human power; for even if the lightest possible wings could be so artfully adapted to the body as to receive the full force of the actions of the limbs, however these actions may be combined, they would fall very short of the exertion necessary for raising the body from the ground."

Birds are heavier than the medium through which they fly. This action, therefore, cannot be accomplished without the exertion of great force. For this purpose, muscles of great size and strength are provided, and seated upon the breast of the bird. These have for their support a bone also of great size and strength, the sternum, and having a part, descending like the keel of a ship from its lower surface. The wings move in an oscillating manner, with nearly equal force in each direction, and hence would give but little progressive motion but for their admirable form and structure. Their upper surface is convex, while that beneath is concave; hence the latter, the velocity of the two motions being equal, meets with the greatest resistance. The feathers, also, in the downward motion of the wing close upon each other, and present a continuous surface; while in its rise, they are turned with their edges towards the air, and allow that fluid a free passage between them; the motion of each feather being in fact the same as that performed by a rower who *feathers* his oar. The very direction in which the wings move is adapted to the habits and mode of life.

"Birds of prey have a great obliquity of wing, and are consequently better formed for horizontal progressive motion, which is what they practise in pursuing their prey, than for a rapid, perpendicular ascent. Those birds which rise to great heights in a direction nearly vertical, such as the *quail* and the *lark*, have the wings so disposed as to strike directly downwards without any obliquity whatsoever."

The flying fish, a small animal of the lizard tribe, and the bat, possess like birds the power of flying. The latter alone has it in any degree of perfection. Its skeleton is not very dissimilar to that of man, but is stronger and larger in proportion in the chest and arms. Both legs and arms concur in the motion of the wings, and the latter are spread upon the four bones which may be called the fingers.

Fishes have their abode in another medium from that in which birds move. Here motion analogous to that of flying is produced by very different means, but which are exactly adapted to the circumstances of the case. The medium being comparatively dense, the mean weight of the body is the same

as that of an equal bulk of fluid; to cause their ascent and descent, they are furnished with a vessel or bladder containing air. When this is compressed by the muscles with which it is furnished, the body becomes denser than water, and the fish sinks; when the muscles are relaxed, the air in the bladder expands, the density is less, and the fish rises. This bladder is so placed that the centre of gravity of the fish lies higher than the centre of magnitude. The fish is therefore in danger of being overturned by a slight force. To prevent this, it is furnished with pectoral fins which enable it to steady itself.

The pectoral fins aid but little in the progressive motions of the fish. These are produced by the action of the tail, in a mode resembling the sculling of a boat. In this important motion by far the greater part of the muscular matter of the fish concurs, and the muscles of each pair are equal in length, so that under circumstances of rest the body remains straight. The tail itself is a large fin, which alters its curvature according as its action is to propel or in the opposite direction.

Not only are the muscles which move the bones thus admirably contrived, and adapted to every particular case of animal existence, but the bones themselves are constructed with consummate skill. They are composed of a mixture of animal gelatine and phosphate of lime. By two distinct modes of analysis either of these may be obtained separate from the other, and each, when thus separated, retains the original figure of the bone. The gelatine alone is a tough but flexible mass, the calcareous part hard and brittle; but by their mixture, these two properties, that are scarcely compatible with each other in inorganic matter, are skilfully united.

“The different mechanical purposes for which bones are employed in the animal economy, require them to be of different forms. When a part is intended to have compactness or strength, with a very limited degree of motion, it is divided into a great number of small pieces, united together by ligaments, and the separate bones are short and compressed, approaching more or less to a cubical shape. Of such is the column of the spine composed, as also the joints of the wrist and ankle. Where the principal object is either extensive prolation, or the provision of broad surfaces for the attachment of muscles, we find the osseous structure expanded into flat plates: as is exemplified in the bones of the skull, in the shoulder blade, and still more remarkably in the bony shield which surrounds the body of the tortoise. On the other hand, where a system of levers is wanted, as in the limbs, which have to sustain the weight of the trunk, and confer extensive powers of locomotion, the bones are modeled into lengthened cylinders, generally somewhat expanded at the extremities, for greater convenience of mutual connection.”

These cylinders are hollow, and thus the same principle of which we have spoken in mentioning the stems of vegetables, is again brought into action, and strength attained with the least possible weight.

The proportions of these bones in different animals are also modeled upon the most exact mechanical principles. In small animals the relative diameter of the cylinders is much less than in large ones, as the skilful architect or machinist increases the transverse dimensions of his structure in a greater ratio than the increase of its magnitude. The muscles too are increased in relative thickness in the same manner. In spite of such modes of increasing strength a limit finally exists, where the weight would either crush the materials, or become too unwieldy to be moved. But this limit is not approached in terrestrial animals, for although the speed of the elephant bears no proportion to the length of his stride, it is notwithstanding as great as that of almost any other animal; and although his strength as applied to draught bears a less ratio to his own weight than that of a horse, the absolute resistance he is able to overcome is greater than that of many horses.

"Ants will carry loads which are forty or fifty times heavier than their own bodies, and the distance which many species are capable of leaping, compared with the size of the insects themselves, appears still more astonishing. Linnæus has computed that the *melolantha*, or chaffer, is, in proportion to its bulk, more than six times stronger than the horse; and has asserted that if the same proportional strength as is possessed by the *lucanus* or stag-beetle, had been given to the elephant, that animal would have been capable of tearing up by the roots the largest trees, and of hurling huge rocks against his assailants, like the giants of the heathen mythology."

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"The diminutive size of the beings which display these powers is itself the source of a mechanical advantage not possessed by larger animals. The efficacy of all mechanical arrangements must ultimately depend on a due proportion between the resisting and moving forces: hence, mechanism of any kind must be adjusted not merely with reference to the relative but also to the absolute, dimensions of the structures themselves. This will be evident when we consider that the forces which are called into action are resisted by the cohesion of the particles composing the solid parts of the machine: and this cohesion being not a variable, but a constant and definite force, must necessarily limit the dimensions of every mechanical structure, whether intended for stability or for action. An edifice raised beyond a certain magnitude, will not support itself, because the weight of the materials increases more rapidly than the strength."

We find this law carefully observed in all animal structures, whether belonging to the present epoch of the earth's existence, or to some former period.

Even the mastodon and megatherium are yet within the limit of sufficient agility, and beyond their giant frames we have no reason to believe that nature has ever attempted to extend her mechanical works on the surface of the solid land. But where the frame can be supported by a liquid pressure, so that the influence of weight is no longer sensible, she prescribes no such

limit to her undertakings, and animals of enormous bulk sport and float in the fields of ocean, while every bed of geological formation furnishes evidence, that, at former periods of the globe, other animals, equally remarkable for size, have been constructed, to dwell in the same element. When thus supported, the kraken and the sea serpent are animals whose existence need not excite incredulity; while if the latter were to be placed upon the land, no muscular force would enable him to move his cumbrous folds.

If we exclude these animals, one of which seems universally to be considered as fabulous, and the other, in spite of the testimony of numerous credible witnesses, has not yet been restored to the place which Linnæus once assigned it in his system of nature, the cetacea are the largest animals which inhabit our globe.

"A cursory view of the organization of the tribes belonging to this semi-amphibious family will impress us with the resemblance they bear to fishes; for they present the same oval outline of the body, the same compact form of the trunk which is united with the head without an intervening neck; the same fin-like shape of the external instruments of motion, and the same enormous expansion and prolongation of the tail, which is here also, as in fishes, the chief agent in progression. With all this agreement in external characters, their internal economy is conducted upon a totally different plan; for although constantly inhabiting the ocean, their vital organs are so constructed as to admit of their breathing only the air of the atmosphere, and the consequences which flow from this difference are of great importance. The necessity of aerial respiration compels them to rise at short intervals to the surface of the water; and this air with which they fill their lungs in respiration, gives their bodies the buoyant force which is necessary to facilitate their ascent, and supersedes the necessity of a swimming bladder, an organ which is so useful to the fish."

"With the intent of diminishing still further their specific gravity, nature has provided that a large quantity of an oily fluid should be lodged under the skin, a provision which answers also the purpose of preserving the vital heat of the body. A great accumulation of this lighter substance is found on the upper part of the head, apparently with a view to facilitate the elevation to the surface of the blowing hole or orifice of the nostrils, which is placed there."

Within, there is a strong resemblance to the structure of terrestrial animals; the exterior extremities, although externally like fins, are spread upon bones exhibiting the same number of digits and the same divisions of bones "as exist in the most highly developed organization, not merely of a quadruped, but also of a monkey, and even of man."

Among the terrestrial mammalia, man holds about the mean place in regard to size. He combines the two requisites of strength and agility in the highest degree, and is thus prepared to exercise, by his bodily energies, that empire which his reason enables him to attain over the rest of creation. It may be safely

asserted that a given weight of matter arranged in the structure of man performs the maximum of labour, even when applied to work which needs no intelligence. In addition he is inspired by the buoyant principle of hope, under the influence of which he renews his strength, after being exhausted by toil. Here the energy of his mind imparts powers of restoration possessed by no other animal. The ox, however patient and enduring, becomes unfit for labour after his growth is completed, and even the blood horse, when once broken down, never recovers his pristine vigour.

The larger terrestrial animals, from their great weight, would find it difficult to obtain the means of subsistence, were it not for particular arrangements by which this purpose is fulfilled.

"The most remarkable of these is the elephant, the colossal giant of quadrupeds. The many peculiarities which are observable in the conformation of this animal, have all an obvious relation to the circumstances of its condition. Formed for feeding on a great variety of vegetable substances, and more especially on the tender shoots of trees, fruits, and grain, as well as on herbage and succulent roots, its organs of mastication are powerful, and its teeth of great size. The whole of this apparatus requires an immense development of bone to render it efficient; so that the head, with its huge tusks and grinders, is of enormous weight. Had this ponderous head been suspended at the end of a neck of such length as to admit of its being carried to the ground, as is the case with grazing animals, it would have destroyed the balance of the body, and would have required greater force to raise and retain it in a horizontal position than was competent to any degree of muscular power. Nature has accordingly abandoned this form of structure, and has at once curtailed the neck, bringing the head close to the trunk of the body, and supporting it by means of short but powerful muscles, which are not implanted in any particular point of the skull, as they are in other quadrupeds, where the occipital bone forms a crest or ridge for that purpose; but the general surface of the cranium has been enlarged by an immense expansion given to its interior cellular structure; and thus the muscles are attached to a considerable extent of bone, instead of being affixed to a single process, which would have incurred great risk of being broken off by their action. These large cells are constructed with a view to combine strength with lightness; the plates which form their sides being disposed in a radiated manner towards the circumference, and arranged with great regularity; and the cells themselves, instead of containing marrow, are filled with air, by means of communications with the Eustachian tubes which open into the nostrils; thus a great extent of surface is given to the skull, without any addition to its weight.

"The head being limited in its range of motion by its approximation to the trunk, the mouth cannot be applied directly to seize the food: and some means were therefore to be contrived for bringing the food to the mouth. For this purpose, a new organ, the *proboscis*, has been constructed; it consists of a cylinder, perfectly flexible, and of a length sufficient to reach the ground when the elephant is standing. The animal has the power of moving it in all possible directions by means of a prodigious number of muscular fibres, which are collected in small bands, some passing transversely, and radiating from the interior towards the circumference, others situated more obliquely, and a third set running longitu-

dinally, and forming an exterior layer; but they are all variously interlaced together so as to compose a very complicated arrangement. The extremity of the proboscis, which is endued with great sensibility, is furnished with an appendix resembling a finger, most of the functions of which, indeed, it is capable of performing."

As a further instance of the exact adaptation of the structure of animals to their mode of life and peculiar wants, may be cited the class of ruminant quadrupeds.

"Nature has moulded the organs of progressive motion in this tribe of animals to accommodate them to the peculiar conditions of their existence, while she has still preserved their relations to the primitive type of the class to which they belong. Thus she has bestowed upon them the slender and elegant forms, which characterize the fleetest racer, and has provided for the agile, yet firm and secure, movements which they are to exercise in various ways, in eluding the observation, and escaping from the pursuit, of their stronger and more sagacious foes. This purpose they effect at one time by a rapid flight across extensive tracts of country; at another, by retirement into unfrequented forests or mountains of difficult access, crossing their rugged surfaces in all directions, clambering their precipitous acclivities, and fearlessly bounding over intervening abysses, till the place of safety is attained upon some rocky eminence. From this secure station, the Alpine chamois looks down upon its pursuers, and defies their farther efforts at capture or molestation.

"The astonishing feats of agility practised by this animal, by which the most experienced hunters are perpetually baffled in their attempts to approach it, sufficiently attest the perfection of its organization in reference to all these objects. The chamois has often been seen to leap down a precipice of twenty or thirty feet in height, without sustaining the slightest injury. How the ligaments which bind the bones together can resist the violent strains and concussions they must be exposed to in these quick and jarring efforts is truly wonderful."

Thus provided with the means of safety from enemies of more formidable character, nature has supplied means of defence against their more equal rivals. For the latter purpose most of them are furnished with horns, and even when these are wanting, the animal strikes instinctively with its forehead, which is expanded and fortified for the purpose.

The grand division of the animal kingdom which ranks next to those furnished with vertebræ, comprises articulated animals. In these, the strong solid parts, which replace in their use the skeletons of vertebrated animals, are situated externally, and the muscles lie within them as in a coat of plate armour. Such at least is the case with two important classes, the crustaceous and insect tribes. Upon the latter nature has lavished the choicest gifts of animal powers, as far as they are compatible with the restricted scale of their formation. When an insect has reached its perfect state it is provided with a great number of instruments, suited to a great variety of external actions; these are articulated limbs, that may be employed as legs, claws, pincers, oars, feelers, and finally, wings. This high state of

organization it appears can be best reached by a passage through many intermediate states of development.

Thus, in the butterfly and moth, the egg laid by a beautiful winged insect, gives birth to a caterpillar, an animal which in outward shape bears not the least resemblance to its parent, or to the form it is afterwards to assume. It has in fact both the external appearance and the structure of a worm. But they contain within them the rudiments of all the organs of the perfect insect. These are concealed by a number of successive coats, which, as the growth of the animal proceeds, are thrown off one after the other. With the last of these, the limbs, and all the means of progressive motion, are thrown aside; the insect appears as if wrapt in a shroud, without any semblance of external members, and with but feeble indications of life. In this state it continues for a time, until the growth of its new organs is completed, when it bursts asunder its coffin and commences a new state of existence.

"The worm which so lately crawled with a slow and tedious pace along the surface of the ground, now ranks among the sportive inhabitants of the air; and expanding its newly acquired wings, launches forward into the element on which its powers can be freely exerted, and which is to waft it to the objects of its gratification and to new scenes of pleasure and delight.

"The larva or infantile stage of the life of an insect is, in all its mechanical relations, a mere worm. The *imago* or perfect state, on the other hand, exhibits strong relations to the crustaceous tribes, not only in the general form of the body, but also in the consolidated texture of its organs, and in the possession of rigid levers shaped into articulated limbs, and furnished with large and powerful muscles; from all which circumstances, great freedom and extent of motion are derived. To this elaborate frame nature has added wings, those refined instruments of a higher order of movements, subservient to a more expanded range of existence; and entitling the beings on which they have been conferred to the most elevated rank among the lesser inhabitants of the globe.

"The mechanical functions of insects scarcely admit of being reduced to general principles, in consequence of the great diversity of forms, of habits, and of actions, that is met with among the innumerable hosts of beings which rank under this widely extended department of the animal creation. In these minute creatures may be discovered all the mechanical instruments and apparatus required for the execution of those varied motions which we witness in the larger animals, and which, though almost peculiar to the different classes of these animals, are here frequently united in the same individual. Insects swim, dive, creep, walk, run, leap, or fly, with as much facility as fishes, reptiles, quadrupeds, or birds. But besides, these have also movements peculiar to themselves, and of which we meet with no example in other parts of the animal kingdom."

If any doubt however could remain of this wisdom and power of the Divine Architect, it must at once disappear upon examination of the organs of sense, and particularly of that whose structure is almost perfectly understood by us, namely, the organ of vision.

The eye of man, in its general character, resembles the optical instrument called the camera obscura. In this, by means of a convex lens, an inverted image of external objects is formed upon a plane screen ; but as the rays from objects at a given distance converge upon an imaginary surface that has a concave form, the image of any given set of objects is never perfect in the artificial instrument ; but in the eye, a globular figure provides a screen of the shape which is exactly adapted to this object. The artificial instrument also gives an imperfect image, because the rays from a given point passing through the lens at different distances from its axis do not converge in the same place, a defect that goes by the name of the spherical aberration. Theoretically speaking, this defect might be counteracted by giving curves to the surfaces of the lens different from the sphere, but each variety of form would only meet a single case, and the lens must be changed with change of circumstances ; nor have any mechanical contrivances yet been discovered by which such forms can be given. In the eye, this aberration is remedied by a contrivance of the greatest simplicity, but which no human workmanship, and no inorganic substance, can imitate. The lens of the eye is not only formed by curves differing from the sphere, but it is made up of a number of concentric layers, varying in density from the centre to the surface. Thus by the higher power of refraction possessed by the denser media, the rays which would otherwise converge latest are brought to a focus at the same point with those which would otherwise converge most rapidly.

The image of a common lens is fringed with the prismatic colours, in consequence of the differing refrangibility of the rays of light. This chromatic aberration, as it is called, is compensated in the eye by the union of three distinct media whose powers of refraction and dispersion are so nicely balanced that the coloured rays are first separated and then again combined into a homogeneous light. Of these media, one is the solid lens of which we have spoken ; the second, or aqueous humour, is a fluid which fills the anterior portion of the eye, and which being most exposed to injury is capable of being renewed ; the third, or vitreous humour, occupies the greater part of the ball of the eye, and is of mixed structure which adapts it most admirably to its place. Were this vitreous humour a liquid, it would permit the eye to change its figure too readily under the influence of external pressure ; were it solid the eye would be rigid and incapable of change. To allow a partial change of figure and yet insure against such as would be extreme, the vitreous humour is made up of a number of transparent filaments, among which is diffused a liquid. These, by a provision inimitable by art, have precisely the same refracting power, and

hence the light traverses them exactly as if they were a single medium of homogeneous character. So perfectly has this object been attained, that it is but recently that this peculiarity of structure has even been suspected. The nervous screen upon which the image is formed, is of extreme sensibility ; hence we are dazzled by excess of light, and close our eyes to escape the pain it causes. Yet, although it is not necessary that we should gaze directly at the sun, it is essential that we should view objects illuminated by the full force of his rays, and on the other hand we are frequently called upon to exercise our vision in his absence. These two different powers are made compatible by the beautiful structure of the iris. Formed of two sets of antagonist muscles, the one radiating, the other circular, it constitutes a diaphragm pierced by a circular orifice. These muscles obey not our volition, but the irritability of the nervous screen, and thus increase the area of the aperture when the light is faint, and lessen it when its action is more intense. Some animals are by their habits of life compelled to use their eyes in the full intensity of solar light. These are furnished with a third and semi-transparent eyelid, by the closing of which they exclude the painful impression, and yet retain the power of vision. Others again must seek their subsistence in light so faint, that the eye of man is insensible to it. These have a nervous screen of even greater sensibility, but the contraction of the iris reduces the aperture, when exposed to the light of day, to the shape of a narrow longitudinal slit. Even this great degree of contraction is not sufficient in all cases to do away the painful sensation, and hence animals thus constructed find their hours of repose when others are in the height of their activity.

The very limits then which are set to the powers of the eye of each animal, are in fact a happy provision for his rest and relaxation. Except under the pressure of intense fatigue, man cannot slumber in the day, while the cat, the owl and the bat find, in the solar ray, a motive and incentive to sleep.

In the mere position of this diaphragm a degree of wisdom has been shown that was not even suspected until pointed out by the acuteness of Wollaston. In any other place than that which it occupies, it could not have lessened the degree of illumination, without at the same time diminishing the field of view ; but as it is actually placed, no change in this respect occurs.

The muscular apparatus by which the eye is moved in the vertical and horizontal directions, and caused to revolve, although to a limited extent, around its own axis, are worthy of admiration from their simplicity and efficacy ; as well as the manner in which these three separate motions are made to concur in directing the axes of the two eyes to a single object.

In the camera obscura but one set of objects, namely, those at some given distance, can form distinct images at one and the same time. In order to obtain a distinct view of objects at other distances, the lens must be moved farther, or brought nearer to the screen. The eye has the same properties; but this is no defect, for it is unnecessary that we should view more than a single object at a time. But it is absolutely essential that we should pass our vision from one object to another, with the rapidity of our own thoughts. The eye possesses this power of adaptation to different distances in the highest degree; between a distance of eight or nine inches and that of the fixed stars, the eye is capable of adapting itself to distant vision, and the more remote objects are only less known to us because the angle they subtend is lessened. Yet this extensive power is produced by means so trivial in comparison to the effect, that they are not yet admitted to be understood. We are of opinion, however, that Sir Edward Home solved the question a short time before his death. He discovered that the ligaments which sustain the crystalline lens in its place are muscular; the effort of their action would be to render the front of the eye more convex, and at the same time increase the length of its axis. These two changes would suffice to adapt the eye for the view of nearer objects; a contrary action would prepare it for those more remote. It only remains that the antagonists of these muscles should be discovered, to make the explanation of the phenomenon complete. Another mode of accounting for the adaptation of the eye to vision at different distances is due to a distinguished countryman of our own,* whose loss the scientific world has just been called upon to deplore. He ascribed a change in the figure and convexity of the eye to the united action of the four straight muscles which give it its vertical and horizontal motions; and here the explanation was complete, but it was necessary to conceive that muscles evidently intended as antagonists should concur in the operation, a case of which no other instance is known.

It is because the eye is best known to us, that it is a favourite object for the illustration of the argument of the natural theologian. The other organs of sense also manifest the utmost delicacy of arrangement, while their mechanism is so refined as in many cases to escape our highest powers of research into its object and action. Still, enough can be understood to show that where our knowledge is at fault, it is because that of the planner of these works exceeds our limited intelligence. Even in the eye, as in all senses, we are at once compelled to pause in our enquiries by a barrier which, it may safely be predicted,

* David Hosack, M. D., LL. D., F. R. S. &c. &c.

no human learning will ever be able to penetrate. We can trace the rays of light until they form an image on the retina, and show why the eye, considered merely as an optical instrument, far surpasses those constructed by human art; but we are unable to say how this picture becomes an object for the contemplation of the mind. Here the mysteries of nature become inscrutable, nor can we, while loaded with a material clog, be able to specify how mind and matter mutually act upon each other.

We cannot better conclude our article than by extracting the eloquent passage with which our author closes his argument.

"The pursuit of remote and often fanciful analogies has, by many of the continental physiologists, been carried to an unwarrantable and unreasonable length: for the scope which is given to the imagination in these seductive speculations, by leading us far away from the path of philosophical induction, tends rather to obstruct than to advance the progress of real knowledge. By confining our enquiries to more legitimate objects, we shall avoid the delusion into which one of the disciples of this transcendental school appears to have fallen, when he announces, with exultation, that the simple laws he has now discovered have explained the universe; nor shall we be disposed to lend a patient ear to the more presumptuous reveries of another system builder, who, by assuming that there exists in organized matter an inherent tendency to perfectibility, fancies that he can supersede the operations of divine agency.

"Very different was the humble spirit of the great Newton, who, struck with the immensity of nature, compared our knowledge of her operations, into which he had himself penetrated so deeply, to that of a child gathering pebbles on the sea shore. Compared, indeed, with the magnitude of the universe, how narrow is the field of our perceptions, and how far distant from any approximation to a knowledge of the essence of matter, of the source of its powers, or even of the ultimate configuration of its parts! How remote from all human cognizance are the intimate properties of those imponderable agents, light, heat and electricity, which pervade space, and exercise so potent a control over all the bodies in nature! Doubtless there exist around us, influences of a still more subtle kind, which 'eye hath not seen, nor ear heard,' neither can it enter into the heart or imagination of man to conceive. How scanty is our knowledge of the mind; how incomprehensible is its connection with the body; how mysterious are its secret springs and inmost workings! What ineffable wonders would burst upon us, were we admitted to the perception of the spiritual world, now encompassed by clouds impervious to mortal vision!

"The great Author of our being, while he has been pleased to confer upon us the gift of reason, permits us to acquire by its exercise, a knowledge of some of the wondrous works of his creation, to interpret the characters of wisdom and goodness with which they are impressed, and to join our voices to the general chorus, which proclaims 'his Might, Majesty and Dominion.' From the same gracious hand we also derive that unquenchable thirst of knowledge, which this fleeting life must ever leave unsatisfied; those endowments of the moral sense, with which the present condition of the world so ill accords; and that innate desire of perfection which our present frail condition is so inadequate to fulfil. But it is not given to man to penetrate into the counsels

or fathom the designs of Omnipotence: for in directing his views into futurity, the feeble light of his reason is scattered and lost in the vast abyss. Although we plainly discern intention in every part of the creation, the grand object of the whole is placed far above the scope of our comprehension. It is impossible, however, to conceive that this enormous expenditure of power, this vast accumulation of contrivances and of machinery, and this profusion of existence arising from them, can thus, from age to age, be lavished without some ulterior end. Is man the favoured creature of nature's bounty, 'the paragon of animals,' whose spirit holds communion with the celestial powers, formed but to perish with the wreck of his bodily frame? Are generations after generations of his race doomed to follow in endless succession, rolling darkly down the stream of time, and leaving no track in its pathless ocean? Are the operations of the Almighty power to end with the present scene? May we not discern, in the spiritual constitution of man, the traces of higher powers, to which those he now possesses are but preparatory; some embryo faculties which raise us above this earthly habitation? Have we not in the imagination a power but little in harmony with the fetters of our bodily organs; and bringing within our view purer conditions of being, exempt from the illusions of our senses, and the infirmities of our nature, our elevation to which will eventually prove that all those unsated desires of knowledge, and all those ardent aspirations after moral good, were not implanted in us in vain?

"Happily, there has been vouchsafed to us, from a higher source, a pure and heavenly light to guide our faltering steps, and animate our fainting spirit in this dark and dreary search; revealing those truths which it imports us most of all to know, giving to morality higher sanctions, elevating our hopes and our affections to nobler objects than belong to the earth, and inspiring more exalted themes of thanksgiving and of praise."

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- ART. IV.—1. *The Report of and Testimony taken before the Joint Committee of the Senate and House of Delegates, of Maryland, to which was referred the memorial of John B. Morris, Reverdy Johnson, and others, praying indemnity for losses sustained by reason of the riots in Baltimore, in the month of August, 1835. Published by order of the General Assembly. Annapolis, 1836.*
2. *Testimony taken before the Joint Committee, &c. in behalf of the Civil Authorities of Baltimore, &c. Annapolis, 1836.*
3. *An Act to indemnify Reverdy Johnson and others, &c.*
4. *An Act relating to Riots. Pamphlet Laws of Maryland, 1836.*

The occasion of the passage of the acts of the Legislature of Maryland, which we have cited above, is doubtless fresh in the minds of our readers. The repose of the entire country was disturbed by the news of one of our finest cities being the prey of lawless rioters; that devastation in its most fearful shape (for

it is such, when the result of unbridled popular fury) was in progress upon noble private mansions and their costly furniture; and even fears were most justly entertained that murder, the savage rending of limb from limb, had closed the appalling and disgusting spectacle. The question was naturally put, where was the police, during this work of destruction? where the able bodied townsmen of Baltimore? Are our laws so inefficient, our love of order and of justice so weak, that men could look upon havoc of this description without rushing to the rescue? that no apprehensions of the supremacy of lawless passion and its possible outbreking upon the property, nay, the persons, of each one in turn, could induce a union of the good against the bad? Was it the case that riot and robbery could openly exhibit their foul proportions and gather strength from impunity, without exciting the combined opposition of all good citizens? Our country, it was admitted, had not been a perfect stranger to such scenes, nor could the city in question, (and the retrospect brought a flush to the cheek, partly of anger and partly of shame,) claim a full exemption. But these were regarded as special though fearful dispensations of Providence, which, like earthquakes or volcanic eruptions, by their evidence of control over the general laws of nature, may be designed to awaken man to a knowledge of that God whom, in the smooth current of life, he is, too often, liable to forget.

One scourge had, but a short time before, passed through the land, and laid thousands low in the sleep of death. This fearful visitant had come upon the wings of the wind, and with noiseless step rendered its presence known only by its awful attendants, disease and dissolution. The recurrence of riot, in different quarters of our before comparatively quiet country, bursting suddenly forth, with no premonition and apparently without concert, led to the persuasion that an epidemic was traversing the body politic, the result of some mysterious action upon our citizens, which would pass off, like other providential visitations, and probably leave the state, cleared of noxious vapours, more healthy than before.

There were, however, upon mature reflection, circumstances attendant on the transactions, which induced more serious thoughts. Probable ground appeared for the suspicion, that there was something wanting in our system of police, we may say, indeed, of society, to restrain the outbreaks of her bad elements, and to call into more active exercise, her purer portions. It was not to be pretended that our land was without her evil elements, or that they needed no repression. There was too fearful proof to doubt their existence. It is aside from our present purpose, and therefore we shall not stop to enquire into the causes of their growth; but it became evident that

much was necessary to check their further progress, and guard against their consequent increase of strength. The apprehension was entertained, that popular passion being excited upon any of the thousand questions which are afloat in our community, each was to be resolved by an appeal to brute violence without waiting for the action of the constituted authorities, or in complete disregard of their decisions. That, in fact, Lynch law, which was supposed, theretofore, to be the peculiar evil of our western settlements, was about to plant its foot upon all parts of the Union.

These apprehensions were strengthened by the course of this riotous spirit. It did not commence its ravages in thinly populated or exposed situations; but, on the contrary, in the very heart of our oldest settlements, where the character of the population, for order and respect for the laws, was pre-eminent, and where, it was thought, the amplest opportunities and means were at hand for the suppression of disturbance. It originated not from any feelings connected with the exciting topic of slavery, or in a quarter where the solution of that momentous question is of the deepest practical importance, but was connected with (miscalled) religious sentiments, and was directed against helpless and unoffending females, and against an institution founded by one of the most numerous and the most ancient sect in the Christian world. The apathy with which, by many of the community in which it occurred, the transaction was regarded, was attributed, not without reason, to one of two causes; either, (which we hope and believe not to have been the case,) that the laws had lost their hold upon the respect and attachment of the people, or that the defective organization of the police and of the moral strength of society allowed, in the first moments of surprise, full sway to the excesses of popular fury. Riot, robbery, and arson, revelled together, and murder was but accidentally absent.

Two farther instances followed in a still more central location, and in a city whose boast is propriety and quiet. The effects of both were in a great degree similar, though the exciting causes were different. In the one case the persons and the property of a distinct class of our population, of those who, from their difference of colour, and inferiority of rights and privileges, should be the special objects of protection, were marked out for destruction and outrage. Magnanimity, if no better feeling existed, should have been their safeguard; but with a mob, who condemn religion and justice, the finer feelings of the heart can scarcely be supposed to have influence.

In the other case alluded to, the property of a citizen was destroyed during the excesses of popular excitement attendant upon an election. In a democratic republic like ours, where almost

every thing is determined through the medium of the ballot-box, and where, upon the results of particular elections, may depend the dearest interests of the community, it is inexpressibly important that the most untrammelled and most peaceable opportunity should be tendered to all to deposit and record their votes. All should feel this to be true, as all parties, in their turn, may require perfectly fair play, in order to bring forth their strength. If, moreover, each returning election day is to fetch along with it a scene of riot and battle, and the peaceful or the infirm (which two classes constitute, undoubtedly, the majority in our country) are persuaded that they can only exercise one of their most valuable rights at the risk of bodily injury, it may be, of life, they will begin to think that their liberties are purchased at too dear a price, or rather that the show of liberty is but a delusion. If, on an occasion of such very frequent recurrence as an election, where long established usage might have been, with reason, supposed to deprive even party excitement of its sting, it was seen that the result was to be bloodshed and destruction of property, well might the peacefully disposed hesitate upon the assurance of safety or repose, and cast an anxious glance at the character and sanction of the laws.

The disturbances referred to were not confined to our large cities, but extended to the smaller towns. Sometimes the burst of fury was against the coloured population, and at others it was directed towards a class of men whose principles and conduct upon the slavery question were not congenial to the views of their assailants. Again, in other places, it was considered truly democratic to put down the friends of temperance by the strong arm of the multitude. It would, however, be tedious to enumerate the nice shades of opinion which were doomed, together with their advocates, to extirpation by violence.

The effects plainly discernible from such a course of things might well justify serious fears. These fears would not be limited to mere immediate personal injury, or loss of property; although even such considerations would operate most powerfully on many in their choice of a country for their home. But they would extend much further; embracing a dread of the probable destruction of our frame of government, and of the liberties of the people. The rock on which every democratic republic is apt to split, is licentiousness. We refer not now to licentiousness as the result of excessive refinement and luxury, but to the *licentiousness of equality*, (falsely so called, for there is none where the vested rights of others are invaded.) We refer to the excesses of radicalism or agrarianism; the inroads of ambition, cupidity, selfishness, and unholy passion, upon the property or the particular immunities of others, acquired under the authority and sanction of equal laws, constituted by the

voice of those who had the right to establish them. The dread of such excesses is a righteous dread. They found the worst tyranny; to a liberal and just mind, the most insupportable; and one to which the calm repose of a despotism, if private rights are secure, is far preferable. While such a tyranny lasts, each act of aggression portending even more fearful changes, miserable indeed is the lot of the inhabitants of any land; but as the scourge would become, for any long period, intolerable, its termination would be that very despotic autocracy which the leaders and fomenters of popular excesses pretend the most to abhor.

Such a result being obviously consequent upon such violations of law and peace, and the facilities being seen to be so great for their performance, the lovers of order looked with horror at the opening thus offered to the arts of unprincipled demagogues. With no stake in the community, having nothing to lose and every thing to gain from disorder, men of that description would readily be found to excite the populace to acts of violence against the wealthy and established classes, and to raise the whirlwind, if they might haply direct the storm. Many such persons, blinded by their selfishness, or, by their own vehement protestations of the fact, persuading themselves of its truth, induce the ignorant to believe that they are the veritable friends of equal rights; that no envy of superior wealth, no thirst for power, no inordinate self-conceit or uneasy passion, are goading them into rebellion; and that what between man and man would be sheer robbery, is nothing but the pursuit of liberty and equity, when perpetrated by numbers, against a particular class in a community. The blindness and wickedness of such defy experience. As we before hinted, a military despotism is the goal whither all such designs tend; and the sceptre of empire is generally grasped by some bold spirit at the eleventh hour, the prime movers of insurrection being, long before, swept to destruction by the very waves which themselves had lashed into commotion.

Considerations of this kind evince the absolute necessity of some further and additional measures in our country for the preservation of the rights of property, the maintenance of order, and the repression of popular tumults. The public act of the Maryland legislature, whose title we have placed at the head of this article, seems to us one important step towards their adoption.

In making this movement, the state of Maryland has done the whole country infinite service, and set an example worthy of general imitation. She is the first state in our Union which has passed a general law upon this very momentous topic, and we cordially hail it as a harbinger of better times. It shows that

there, at least, the property and the intelligence of the community have been aroused to a sense of what is due to their own preservation from lawless violence.

The legislature of Pennsylvania, at its late session, passed a law involving the same principle, though the act had reference to a single individual. It was to indemnify an owner of property in the township of Moyamensing for its destruction by a mob on an election day—one of the instances we referred to above. This is, in some measure, a pledge by that state that similar cases, should any such occur, will be similarly provided for; or rather a paving of the way towards a universal provision. Most gladly do we so regard it.

We should have felt more confidence in the good sense of our fellow-citizens, and their exemption upon such occasions from the influence of other motives than the permanent welfare of their country, had the introduction of the two laws mentioned been the only instances in which the principle of such a measure was debated in a legislative assembly of our country. Unfortunately, in a memorable case which is fresh in the recollections of us all, views, which we deprecate as signally mistaken and unfortunate, prevailed over the dictates of justice and manifest future, if not present, expediency. Our readers will perceive that we have reference to the destruction of the Ursuline Convent at Charlestown, Massachusetts, in the summer of 1834. It is not our purpose to do more than allude to this case. The circumstances of the outrage are notorious. If ever there was an instance of unprovoked, cool-blooded devastation, embracing a host of smaller offences, and reaching even the heinous crimes of robbery and arson, it was the one in question. The residence of helpless females and of children was the object of attack; the religious feelings of a large and respectable class of citizens were outraged; and a blow struck at the very foundation of society. The fact was also perfectly established of the total apathy of the constituted authorities, and their ability, if they had chosen to exert it, of checking, if not of preventing entirely, the work of destruction; a neglect which, in public officers, should have been held tantamount to participation in the crime. No offence was shown to have been committed by the victims in any particular; much less a pretence that, if any crime had been perpetrated by them, the ordinary tribunals of the country were insufficient to punish it. In the face of all this, the legislature of an enlightened state refuses to indemnify the sufferers; violates the pledge of security extended to all who come within her borders and conduct themselves as good and peaceable citizens; and in great measure destroys the delightful association theretofore connected with the name of America, that she was the home and the *asylum* of every one who needed protection.

We have now, however, fallen upon better times ; we are encouraged to say so by recent enactments. The present would seem to be the proper season to establish general regulations upon the subject ; and it could be discussed upon its abstract propriety alone, as the heats of controversy have, to a considerable extent, evaporated.

The provisions of the Maryland law we shall briefly state. Any county, incorporated town or city, within whose jurisdiction a riot or tumult occurs, if the rioters or tumultuous assemblage of people shall destroy or injure any church, chapel or convent, any dwelling-house, place of business or store, any ship, ship-yard or lumber-yard, or any barn, stable or outhouse, or shall destroy, injure or take away any articles of personal property, shall be liable to pay to the sufferers the full amount of damages so done or destroyed, under certain restrictions and qualifications. These are, that no such liability shall be incurred, unless the authorities of the county, town or city shall have good reason to believe that such riot or tumultuous assemblage was about to take place, or having taken place, should have had notice thereof in time to prevent the injury or destruction, either by their own police or with the aid of the citizens of the county, town or city—and that no indemnity shall be received, if it shall be satisfactorily proved that the civil authorities, and citizens, when called on by the authorities, have used all reasonable diligence and all the powers entrusted to them for the prevention or suppression of such riotous or unlawful assemblages.

It will be perceived at once, that the object of this law is to make the public amenable only when proper diligence has not been used to guard against or suppress riot. If the regularly constituted civil authorities and the body of citizens invoked by them, in the exertion of proper diligence and of all the powers entrusted to them, are not of ability to effectuate the object in view, it must be regarded as a visitation of Providence, to be borne without murmuring by the sufferer alone. This, however, is a result that can scarcely ever occur ; for we venture to assert that any riot, never so alarming, can be quelled by the police, aided by the strenuous exertions of well disposed citizens ; and this without any of the farce of a military display. The presumption ought therefore to be always against the public and in favour of the sufferer ; and it should lie upon the former to rebut this presumption and satisfactorily to prove that no exertions, however great, and no diligence, however wary, could have obviated the consequences.

Another argument for this limitation is equally plain. There must be some *direct motive* to exertion. The liability upon the citizens generally must not be the same, if they exert themselves

to the utmost, as if they stood carelessly by, or looked on the work of devastation with indifference. If the responsibility were to attach at all events, or were to exist under no circumstances, in either case the citizen might fold his arms in apathy, not caring to make a fruitless exposure of his person. But if he be aware that, by instant action, the loss may be altogether prevented, or by continued energy on his part the ravage be at least stayed, his direct personal interest in the event will surely prompt his active participation in quelling the tumult.

An indemnity by the public for loss from riot is recommended by the following additional considerations.

Riots and tumultuous assemblages must be quelled by one of two means ; either by military force or by the civil authorities aided by the citizens. To the first mode there are insuperable objections.

It must be remembered at the outset that we have no distinct military class in the states of this Union. The regular troops of the United States government, if from their paucity they deserve the name, are of course totally disconnected from the state governments, and their interference in mere municipal regulations would be unwarranted. But if even we had such, or their aid could with propriety be asked, most bitterly would we deprecate their presence on these occasions. Bloodshed is generally the result ; but what, as connected with the loss of life, is the most lamentable consideration, is the fact that death generally finds its victims among the innocent bystanders or helpless women and children. The firing of a ball is the throw of a lighted match into a powder magazine—the elements of death and destruction are scattered on every side, and often fall upon scenes and persons remote from the immediate place of action.

The taking away of life is too awful a matter to be entrusted to the dictum of a commanding officer or the impetuosity of a private soldier. The dreadful decree is of questionable validity, even when propounded after the solemnities and investigations attendant upon a legal trial. We would prefer leaving this tremendous application of power to the fiat of the Giver of life ; and would not, if possible, have the annals of our country marked by a single occurrence of capital punishment. Certainly not for any crime short of wilful and deliberate murder, and then only when pronounced by judicial lips.

The dangers in the exercise of this supposed right of repression by military force would be sufficient to cause its rejection, even from a regard to the agents themselves. This may be affirmed also with reference to England. In that country, the theory of her constitution and laws does not recognise any more than our own, the military as a separate class in the state, and

yet practice has almost legalized the idea. The re-enactment by successive parliaments of the statutes providing for the discipline and support of the army, has become a matter of course; and we know perfectly well, that ever since the time of Alfred, the militia of the kingdom has been organised and trained, and become familiar with the use of weapons of war. In ordinary tumultuous assemblages, (we speak without reference to what might come under the head of high treason,) they have been the power usually applied to by the civil authorities to aid in their dispersion. By the common law (independently of the different riot acts) private persons, (and this would embrace the military,) in aid of the officers of justice, would be justifiable in causing death, only where proper and necessary means were used to prevent a felony or to apprehend a felon. The acts we have alluded to (which are not in force in this country) authorize the dispersion of unlawful and riotous assemblies by the civil authorities and those whose assistance they may invoke, (generally the military, not as such, but as persons assisting to the officers of justice,) and if death ensue in the performance of the duty, the slayer is indemnified. The question would however constantly recur as to the conduct of the individual, on the particular occasion; (the officer in command, most commonly, if the firing were by his orders;) whether the act were wanton and uncalled for, or demanded by the urgency of the exigency. The temptation to exert irresistible force would in most instances be too great for the temperament of any military man. The fact of death being caused, throws the burden of excusing or justifying it upon the individual charged, who must bring himself within the exemption of the law, which properly regards all killing as *primâ facie* unlawful.

The predicament, then, in which the officer or soldier in such cases is placed, is most unfortunate, both for himself and for the unhappy person killed; and that law is unjust which subjects him to it, and trifles with human life.

If this be the case in England, how much more glaringly so is it here, where, as we have said, we are wisely left to the common law, and have held out no legislative encouragements for the taking of life? The interference of every individual with deadly weapons is at his own risk, and if death ensue by his act he must justify it to God and his country. He must show, and that satisfactorily, the necessity of the act done by him, either for the suppression of a felony or the arrest of a felon; or that it was committed in personal self-defence, his own life being otherwise in danger from the person slain.

The injury to the public spirit and feeling from a recurrence to the military to quell disturbances, we hold to be by no means inconsiderable. The people should be taught to feel that the

well disposed of their fellow-citizens are the instruments of their coercion, and not mere soldiers as such. They should be taught to appreciate the love for the laws, and the desire of order, which call forth the peaceable citizen properly armed to put down riot; and to understand that their neighbours are the persons whom they will find arrayed against them, should any evil passion prompt them to violate the laws.

Having then, as we have said, properly speaking, no military here, the name, which is always odious and irritating to the populace, should be withheld. Its use is deceptive and injurious. Volunteers, uniformed militia, or by whatever name they may be designated, are mere citizens in disguise—to whom the use of arms is no more delegated than to the plainest coat in the streets; whose dress and seeming therefore, so unsuited and inconsistent with their actual powers, only expose them to ridicule and increase the mischief. Nothing is so pernicious in contests with mobs as the display of an inefficient force; and nothing so destructive of the energies of any body of men as the consciousness that when put to the test their efficiency is infinitely below their promise.

The military uniform then makes no difference either in legalizing the use of fire-arms, or increasing their terrors: for all purposes of actual use, the weapons of death might as well be placed in the hands of our constables as of the infantry, artillery, and horse, which compose our volunteer companies. Their dress but marks them out for insult, without exciting any dread of their presence.

The force then we should employ to quell riots would be citizens, in the garb of citizens; organized under the direction of the civil authorities, if these have the nerve and the ability to direct them: and if not, under their own leaders, who would always be at hand in such emergencies. The kind of arms presents another question.

It will be perceived that the foregoing remarks have been directed against the *use of fire-arms*; from the dangerous character of the weapon, the facility of being used for its fatal purpose, and the wide spread destruction which it occasions; its effects often, probably generally, being felt at a distance from the immediate scene of combat, and by persons not participants in it. We would select of course the weapons proper for the occasion—not constable's wands or batons, though decorated with a ribbon or a rag; but efficient serviceable clubs, swords or bayoneted muskets, to be employed with decision but with caution.

Let us not be understood as maintaining that in no supposable case is the use of fire-arms to be permitted. On the contrary they might, in some stages of riotous convulsions,

become essential, to protect life, or crush absolute insurrection. These, however, would be extreme cases ; if a proper spirit were displayed at the first symptoms of disorder, or at the commencement of the actual outbreak, in the infinite majority of instances, the riot would be quelled at once, and the last resort of stern necessity not be needed.

In all governments, however good the laws, much necessarily depends upon the character of those intrusted with their execution. The citizens of Baltimore had painful and mortifying evidence of this during the awful scenes of August last. It is therefore possible that riot and confusion might make some head-way during the inefficiency, fright or apathy of the officers of the police. Hence the necessity of some provision like the Maryland Indemnity act, to secure the watchfulness of the citizens towards their rulers and prompt them to immediate action, and interference, on the side of peace and law. This is done by connecting their *pecuniary interest* with the preservation of order.

We are aware that philosophers have placed the permanence of republics upon the attachment of the citizens to their form of government, and to the laws ; a feeling which is by them denominated a love of virtue. We believe in the existence of this feeling to a very considerable extent, and honour its purity and nobleness. We are further persuaded that as much of this sentiment exists in the United States as in any nation, now, or that ever has appeared, on the face of the earth. But we should not rely solely upon this ; clearly not, where other efficient principles are at our command. A general feeling of patriotism may do well enough with many ; with some, we should be more sceptical of its efficiency ; but even with the purest, the desire to preserve order would be increased by considerations of direct personal interest in the result. It is to be observed, that pecuniary influence is, in the case supposed, operating in the same direction with patriotism and justice, not against them ; and is therefore doubly potential. Touch a man's purse or his pocket, and generally speaking you touch a spring of instant action ; and we are not aware that republicans are more careless of their own than other people. Taxation once roused a kingdom—again, it revolutionized a continent. We might properly therefore anticipate resistance to open robbery.

In passing the law in question, the legislature of Maryland were by no means without light or even direct precedent to guide them. We refer to the statutes of *hue and cry* in England, giving an action against the hundred for highway robbery committed within its limits ; to the *riot act* of 1 Geo. I., giving a like action for damages, occasioned by tumultuous assemblages, to dwelling-houses &c., and to the *black act*, which also renders

"the hundred" responsible for certain malicious damage to barns and their contents, fishponds, gardens, &c.

Hundreds, (as subdivisions of counties are denominated,) were composed of one hundred families of freeholders, embracing ten tithings or towns. They existed in Denmark before the time of Alfred, and were introduced by him from that country into England. One chief object of their institution was the advancement of justice and the preservation of order, by rendering each man answerable in many respects for the conduct of his neighbours, and the principle has been carried out in the three instances we have mentioned, by direct legislative sanction. The statute which gave the action against the hundred for robbery, was that of Winchester. (13th year of Edward I. chap. 3.) The "hue and cry," or fresh pursuit of the felon, must be made by the officers of the vill upon the notice of the party robbed. The hundred is not liable for robbery at night; and is also excused if the hue and cry be successful at any time within forty days from its commencement. The pursuit is made with horn and voice, and by horsemen and footmen.

The black act (which was so styled in consequence of devastations committed by persons with their faces blackened) also fixes the responsibility of the hundred in the cases embraced by its provisions, unless the offender be apprehended and convicted within six months; but the most direct precedent is the riot act, (1 Geo. I. stat. 2. c. 5.) which by its 6th section makes the inhabitants of the hundred, in which the damage is done, responsible to the sufferer for the demolishing or pulling down, in whole or in part, of any church, dwelling-house, stable, &c. &c. by any persons unlawfully, riotously, and tumultuously assembled, to the disturbance of the peace. The offence itself is felony without benefit of clergy.

It became a question (Douglass, 673,) after the famous riots in London in June of the year 1780, whether the hundred were responsible for damage and destruction of furniture, in a house done at the same time with its demolition, though the injury to the furniture was not the direct consequence of the pulling down of the house. It was decided against the hundred, and very properly. This matter is specifically provided for in the Maryland statute. It was very truly remarked by one of the judges (Willes,) in the case in Douglass, (*Hyde v Cogan*) that the furniture may be worth twice as much as the building. Further, it did not seem to be necessary, in the opinion of the judges, that the house need be demolished at all as a preliminary to liability for the destruction of the furniture.

This notion of public liability for private losses, when produced by a want of due attention on the part of government, is by no means confined to England. It is an institution which

has long prevailed in many eastern countries, and was introduced into the Mogul Empire about the beginning of the seventeenth century. The effects in those countries have been described by historians as very beneficial ; so much so as to have delivered some districts entirely from the depredations of robbers. The liability is there imposed, sometimes on all the inhabitants of a district, and at others, upon the delinquent officers of justice personally. Undoubtedly the punishment ought not to be trifling for the apathy, ignorance, or cowardice of those, by whose mismanagement thousands may be the prey of lawless bandits, and whole families plunged into the deepest distress.

By the occurrence of the "Gordon riots," in the summer of '80 in London, (of which we have just now been speaking,) that city attained an unenviable celebrity. The property of numbers of the most respectable individuals in point of family, wealth, professional abilities, learning, and private character, was food for the devastating fury of a mob for several days. Baltimore must be careful not to be thought to rival London. As we remarked before, we anticipate a different state of things hereafter. Public opinion has been aroused in Maryland to a sense of what is due to her own character and prosperity ; to her credit, and the value of her property. The joint committee of the senate and house of delegates speak in terms that do honour to their own feelings as men and as legislators. While they are willing to admit that "many high-minded and patriotic citizens burned with desire to prevent the shame of the city ;" and while they give credit to the meritorious exertions of some for the preservation of order, they unhesitatingly charge the offence "of the dark transaction" upon the community of Baltimore, as "a lamentable failure of duty." Many doubtless regretted and condemned the outrages ; but as the committee properly remark, "the duty of a citizen is not discharged by vain wishes or by fruitless regrets." The motto of the Grecian orator is in such periods the proper watchword ; "action, action, action."

Indeed no clearer case could be presented than the conclusion to which the committee in question arrived, that Baltimore "failed to perform the duties she owed to members of her own community, to her own honour as a city, and to the state of Maryland." It was the inference we drew, when the newspapers gave the first narration of the facts ; and our impressions have been confirmed by the evidence reported in detail by the committee. They bitterly regret that when, on a former lamentable occasion, which will never be forgotten, "the peace and dignity of the state were wounded by a mob ;" the legislature was not aroused "to the necessity of connecting with every

public duty an appropriate responsibility ;" and they venture the opinion, that if provision had been then made for redress to individuals " for injuries sustained through the delinquency of any public functionary, corporation, or community," they would not at this day have been called on " to deplore and redress these outrages."

The following facts were clearly established :—

That the public authorities of the city, and the citizens generally, were fully and in time apprized of the approaching tumult.

That the civil authorities, aided as they might have been by the citizens, possessed abundant means to prevent the assemblage of the rioters ; or, at any time, to quell and disperse them ; and consequently to save from injury the property of the sufferers.

That no proper measures were adopted to prevent the formation of the mob, to disperse it, or stop its violence.

That culpable hesitation, inefficiency, and want of spirit, marked the conduct of the chief officer of the city and his advisers ; a temporizing policy alike destructive of his own official reputation and of the peace of the community over whose police he presided.

That the riot could have been crushed in its inception, or at any stage of its progress been quelled, by the prompt, energetic, and determined co-operation of an inconsiderable body of citizens properly and efficiently armed, without the use of fire-arms, or the shedding of a drop of blood.

That the wavering and unconnected and uncombined efforts which were at intervals exerted, only served to encourage the rioters and to fan the flame of disorder.

That the final triumph of order in the way in which it was perfected, furnished the best proof of the absence of all proper management in the prior stages of the riot.

In contempt of such proofs, a refusal to indemnify the sufferers or to pass a general law for the future would have argued the legislature of that distinguished state insensible or indifferent to her fame and its own duty. A compliance with both requisitions has redeemed the character of Maryland, exalted that of her legislators, and set a bright example for the imitation of the Union.

ART. V.—*The Monarchy of the Middle Classes.—France, Social, Literary, Political. Second Series.* By HENRY LYTTON BULWER, Esq. M. P. 2 vols. 12mo. London, 1836.

The present government of France is a government of the "bourgeoisie." Let us observe the state of parties at the revolution of 1830. A portion of the royalists were favourable to the ordinances against the press, and also to the ministry—the other part were friends to the monarchy, but not to the ordinances. Of the liberalists, some were desirous of retaining the old form of government, without caring by whom it was administered, so that it was popularly administered—the rest wanted a new dynasty, and new institutions. It is these two branches of the liberalists that form the administration and opposition parties of the existing reign; and the "juste milieu," at whose head was M. Casimir Perier in 1830, was for steering between the two. Beyond all these, a republican in principle, but not advocating a republican form of government for France, was Gen. La Fayette.

Those who desired a new order of things were for the Duc de Orléans. Henri V. was not seriously thought of, although the throne was abdicated by Charles X. in his favour. What would have resulted from the accession of the Duc de Bordeaux? The advocates of legitimacy would have been satisfied—if new institutions were established, one branch, at least, of the liberal party would have been satisfied—M. Casimir Perier and the "juste milieu" would have been satisfied—the republicans and the ultra royalists would *not* have been satisfied. How could a republic have been established? It would have been madness to attempt it—even La Fayette never thought of it—the declaration of a republic would have let loose the dogs of war, with the young Napoleon at their head, for there was no military *prestige* but that which was connected with his name. What would have been the state of affairs, then, with a military republic, and the Duke of Reichstadt for first consul? The glorious recollections of the consulate and of the empire would have roused the ardour of the French soldiery—the nobility would have shrunk back—the higher "bourgeoisie" would have shrunk back—internal dissensions would have been rife—external war inevitable. Those flaming propagators of legitimacy, the Holy Alliance, would have marched to the gates of Paris, and the result could not have been doubtful.

The enthusiasm of the people, always short lived, but in France especially so, might have sustained the young Napoleon for a brief space, and then there would have been another "Restoration." Charles X. would have been on the throne

again, or else the Duc de Bordeaux with the old *régime*. Napoleon then was out of the question—Henri V. was out of the question—he was a Bourbon in the legitimate line, and the “*bourgeoisie*” were no advocates of legitimacy. Their cry of the revolution had been “*à bas les Bourbons*”—they wanted a new era, and of course a new charter, or, at least, a remodelling of the old one, which amounted to the same thing. True, the substance of this they might have had with Henri V.—but the people were aroused—a revolution was no revolution unless every thing was revolutionized. Charles X. and the Dauphin and the Duc de Bordeaux were not to be thought of. The question then was, whether a provisional government should be named, during the vacancy of the throne. This would have been a great movement for the French people—the popular enthusiasm would have had time to subside, and a permanent government could have been deliberately chosen.

Another question arose. The Duc d’Orléans was proposed. “We declare for the Duc d’Orléans,” said the liberal royalists, “because he is a Bourbon,”—“we choose the Duc d’Orléans,” said the opposition party, “because he is out of the legitimate line,”—“we will take the Duc d’Orléans,” said the republicans, “as the soldier of Jemappes.”

The choice was thus made—now how was the throne to be filled? By the Duc d’Orléans as Philippe V., or as Louis Philippe I.? The first would have been a continuation of the ancient monarchy—the other, the commencement of a new era. Messieurs Guizot and Sebastiani, with one branch of the liberal party, were for Philippe V., Messieurs Lafitte and La Fayette, with the other branch, were for Louis Philippe I. The latter prevailed, and Louis Philippe ascended the throne of France.

Now this was an extraordinary termination to a popular revolution. The king was chosen, or rather *accepted*, in a moment of excitement, when the people are governed by feeling, and apt to run into extremes. In this case, a continuation of legitimate rule with Henri V. was one extreme—a republic, with young Napoleon, was the other extreme. If the people had been left to themselves, one of these, perhaps the latter, would in all probability have been chosen; but the people were confused and uncertain, and the final choice was a compromise among the different parties.

We cannot think, that in 1830, under the circumstances then existing, the selection was the best for France—yet the result has been a good one, so far as we are able to judge in 1836. What is the government of Louis Philippe? It is a government of those classes who form the great and influential body of constitutional France, and who are prospering under the present order—a monarchy of the “*bourgeoisie*.” Commerce and

manufactures flourish, and wealth pours upon them from every side. The aristocracy of blood has been destroyed—a new influence is rising—the aristocracy of money. If France continue to prosper, the latter will prevail, and the throne of the citizen king will be preserved in peace—if not, there will be another revolution. But France *will* prosper under the present government. It is a government of peace—a government which regards the interests of the people, and does not rule for the sole benefit of the pampered few. The *Code de Commerce* has been revised and amended—the freedom of trade extended—and now we behold the ministry using all their exertions to keep off a contest with Russia. Well, but the Carlists and the republicans? Of course they must be watched—there never was a government on the face of the earth without its domestic opponents. Repressive laws are enacted to keep down the malcontents, and though the disturbers of the public tranquillity may groan about the liberty of the press—the policy of the government will be sustained by the constituency of the nation.

The government of Louis Philippe is then a government of repression—it *must* be so. Why? Because the prince at the head of it sprang from a popular convulsion, and must therefore be constantly, in the language of Mr. Bulwer, “struggling against popular concessions.” He was placed upon the throne, not by right of inheritance, but by the voice of the people; and so is expected to yield on all occasions to the clamours of the people! There can be no governing by system under such circumstances, and thus far, the rule of the doctrinaires is a weak one. The government may sometimes yield, when good policy requires it; but they must yield seldom, or they will lose the power of resisting. There must be no hesitation when action becomes necessary. Severe and decisive measures must be adopted, to quell popular commotions, and this cannot be done by a weak government.

Now we say that the late restrictions upon the press were neither despotic nor arbitrary. There is in France a large body of malcontents, made up of the ruins of several successive governments, the most visionary and dangerous of whom are the *débris* of the imperial army—regarding no consequences—utterly indifferent to death—having no personal interest at stake upon the success or failure of this or that measure—except their own miserable necks, which they care not for—these men are always at hand to foment popular discontent or excite rebellion. Can such men be governed by mild laws? It is impossible. A rod of iron must be held over them, ready to descend upon their heads at the slightest movement. But the first blow to be struck is at the *root* of the evil, and that is the

press. We say that the press is the originator of nine tenths of the popular disturbances which agitate the French capital.

What caused the revolution of 1830? The press. What roused the anger of the Parisians against their government, when the news of the fall of Warsaw reached them in 1831? The press. What induced the late attempt by Fieschi upon the life of the king—an attempt in which some of the best blood of France was shed?—by confession of the assassin, the press. And is the tranquillity of the nation to be constantly endangered by the licentiousness of the press, and the arm of government never to be raised in its defence? A government which could be thus indifferent to the happiness of its subjects, would be the contempt of its friends and foes.

The late restrictive measures against the press, were in strict obedience to the popular will, and in accordance with the principles on which Louis Philippe was elected to the monarchy. When we say the popular will, we mean the will of the "bourgeoisie," the substantial citizens of France. These are the constituency of the nation—these the classes to whom the government looks for support.

Let us not be misunderstood here. We mean not to rail against the liberty of the press, properly so called. A free press is one of the greatest blessings enjoyed in a republican country; but the liberty of the press in America is the licentiousness of the press in France. In America, the people are the source of all power; they make their own laws, and administer them by means of agents created by their own will. Every citizen has an equal voice in the government of the nation—and it is the right, nay it is the duty, of the constituency to speak unreservedly of public men and public measures. It is, in truth, the only manner of effecting an interchange of views and opinions, without which the sovereignty of the people would be an empty name. In America, a law restricting the freedom of speech and of the press, would be a dagger struck into the constitution.

Not so in France. What are the resources of the French people when they become dissatisfied with the acts of their government? Is a remedy to be found in the elective franchise? Can they say to their monarch, "Your term is ended—we do not approve the course of your administration—we will elect another king"—can they say this?—if they could, there would be no necessity for restraining the liberty of the press. The voice of the people would be the supreme law, and by that would the press be governed. In a free republic the press is guided by the people—not the people by the press. That this is the case in America, is not to be disputed. No press ever could be sustained here, under the habitual violation of popular opinion. We say, then, that if the French people are dissatis-

fied with their rulers, and look for a remedy against the evils of bad government, they will find it but in one, which has never been provided for by human institutions—a resort to the ultimate right of all human beings, to resist oppression, and to apply force to preserve them from ruin.*

This is the relative position of the subjects of France, to the government of France. In the absence of a constitutional means of removing causes of dissatisfaction, their natural excitability leads them into insurrections, and the commission of intemperate acts upon slight impulses. It therefore becomes necessary for the government to adopt strong measures for the preservation of order; and if for the accomplishment of this object, they are compelled to violate a radical principle of liberty, it is a necessity which is incident to the form of government, and the character of the governed.

“What does the history of France show us?”—says Mr. Henry Bulwer, in the first series of his work on France, published two years ago—“The reign of a court—the reign of philosophers—the reign of a mob—the reign of an army—the reign of priests and a provincial gentry—a revolution effected at once by the populace, by the soldiery, and by the journalists—have any of these epochs sown the seed for a government of the ‘*bourgeoisie*?’ Then there are influences arising out of the character and history of a nation. What are these in France? Female influence—military influence—literary influence—are any of these influences favourable to a government of the *bourgeoisie*?”

No—not one of these influences. Gay, witty and chivalric—often frivolous, but highly imaginative, the French people have more love for the poetry, than for the sober realities of life. This is the character of the great mass of the nation. We have said that the existing government is a system of peace and order—it is not based upon the character of the mass—it has no root in their affections, no power over their passions—their interest is not consulted, their imagination not excited, their vanity not gratified. The character of the “*bourgeoisie*,” on the other hand, differs from that of the inferior and more numerous classes, in their comparative seriousness, their industry, their morality, their love of peace and order. Their pursuits are those of utility. The government of France is utilitarian.

It is, as Mr. Bulwer observes, a strong, a good government, founded upon principles which will probably give it stability; but for many years it cannot be popular with the mass. Napoleon sneered at England as a nation of shopkeepers. France is now rapidly approximating to that condition. The character of the government and the character of the people, are as yet at

* Judge Story.

variance with each other, and until time, by its insensible operation, shall reconcile these conflicting elements of the nation, "shall introduce the character of the nation into its institutions—the institutions of the nation into the character of the people," the position of the government will be one of much peril. The philosophy of the doctrinaires, with their system of rule, could not work—measures and expedients adapted to times and circumstances, and varying with them, must be used; and the affairs of the nation administered with a strength, sufficient to counterbalance the weakness which exists in the principle of government.

We now proceed to consider the remarks of Mr. Bulwer, upon the different classes of society; they are contained in the fourth, fifth, sixth, and seventh chapters of the second volume of the work whose title is at the head of this article. The object of our author, in the volumes before us, is to describe the social condition of France, under the influence of her existing political institutions; and seizing upon his leading idea, he has adopted, as he acknowledges, a somewhat ambitious, but nevertheless appropriate title—"The monarchy of the middle classes." Of the work itself we will merely remark, that it contains a mass of valuable information, doubtless collected with great industry, but thrown together without care, and apparently with little skill; presenting to the reader a confusion of elements, which his own ingenuity must arrange and classify—many of the pages are filled with light and amusing anecdotes, some of which we have heard before, and others, we will venture to say, no one ever heard, or ever would have heard, but for the rich imagination of Mr. Henry Bulwer. These are merely collateral to the main object of the author, like the by-play of a modern tragedy. Our limits will not allow us to do more, than thus briefly to refer to them.

"In France there is a middle class, not like the nation in America, not like the middle class in this country, (England), but a middle class composed of the ruins of an old, and the elements of a new, state of society. We see there, as in those strata of the earth, where we find the mingled fossils of animals, and of fish, and of herbs, some antediluvian, the traces of a mighty shock, which threw into unexpected companionship, things, once heterogeneous, and buried the witnesses of a former world in the womb of a present one. Not only did the revolution of '89 break down the fortunes which separate ranks—it broke down the habits. During that terrible reign, in which a noble name was a title of proscription, the lower classes lost all deference for the upper, and the upper all contempt for the lower.

"The feelings which, on either side, had kept the two portions of society apart, disappeared; and as the victories of the consulate succeeded, elevating the peasant to the command of provinces and armies, and carrying a successful soldier of fortune to the topmost pinnacle of power, even that halo which sheds itself upon the aristocratic mansion and princely palace, descended upon the cottage. High place and great con-

sideration obtained by a quality, which, for the very reason, perhaps, that it is the most common among men, is the most commonly respected,—high place and great consideration—the consequence of successful valour—created a nobility without ancestors, and which had frequently its relations among the humbler orders of the people.”

Since the revolution of 1789, the political condition of France has presented many aspects, each bringing in its train some new influences, and each leaving behind it, when its day has gone by, its mark upon the character of the people. At the period of that revolution, there existed in the kingdom a haughty and exclusive nobility, inferior in all respects to their ancestors: holding themselves aloof from the new society which was rising around it—fallen in condition—possessing no power—idle, dissipated, and vicious.

At this time, the influence of the middle classes was rapidly rising, their wealth increasing—they were full of ambition, and completely disgusted with the arrogance of a degenerate nobility. The doors of civil and military office were closed upon them—colonial employments and church preferments were reserved for the lordly few.

The inferior classes, too, possessing no property themselves, were yet without that reverence for the lords of the soil, which still remains in many countries, a remnant, or rather a reminiscence, of feudalism. But the series of abuses which led to the revolution of '89, are too familiar to the historical reader, to require a recapitulation from us—nor is it necessary to our present purpose. The exaggerated notions of liberty, entertained by the actors in that revolution, drove them into the horrible extremes which deluged France in blood, and deferred the enjoyment of that genuine freedom, which the more moderate desires of the people secured to the revolutionists of 1830. The first was a revolution begotten by abuse, and carried out by popular enthusiasm, uncontrolled by reason. The second had its origin in the indignation of the people, but modified and tempered by the experience of 1789. The first resulted in a military republic, which itself resulted in a despotism. The second ended in a constitutional monarchy with a liberal charter.

All the historical changes in the nation, from the revolution of '89 to the consulate; from the consulate to the empire; from the empire to the “restoration;” and from the government of the restoration, through the revolution of '30, to the government of Louis Philippe—if they had not so modified the character of the masses, as to render a government of the “bourgeoisie” a popular one, have at least given to the nation a tone of comparative thoughtfulness, which the operation of time will bring to maturity, and render the people satisfied with the existing order.

The government of Napoleon, although it excited in the people a love of action and a passion for military glory, and so far unfitted them for the sober business of life, nevertheless encouraged a love of political equality, and a hatred of that aristocratic policy, which closed the avenues to public distinctions upon all who wanted the influence which is derived from a line of noble ancestors. Birth had the strongest *prestige* under the old monarchies—merit under Napoleon—wealth possesses it under the present government. The middle classes of France, then, representing the property of the country, and having the greatest interest at stake upon the permanence of the government—it is its policy to give them the most powerful voice in the affairs of the nation. The judges are taken from them—the deputies, the juries, the municipal councils, all are taken from them.

Let us see of what materials this new influence is composed.

"The *seigneur* has fallen into this class—the *servant* has risen into it; and these changes have taken place, and this amalgamation has been brought about, not by the steady hand of time, that great but slow revolutionist, but by the running blow of fortune, which, altering the position of men, still leaves their manners and their memories.

"Thus though the middle class in France may, to a certain degree, represent what may be called the shopkeepers, still it does not wholly represent them; while the shopkeepers themselves are not, if I may so express myself, so completely shopkeepers as in other countries. They are more connected and more in the habit of mixing with other persons and other classes. They have less of frugality and caution, and more of elegance and luxury in their tastes and pursuits. They live in intimate companionship with the artist, the *littérateur*, the soldier; and feel no sort of barrier, either between themselves and those who have not yet risen into their sphere; or between themselves and those whose fortunes are superior to theirs."

It is for this reason, viz.—that they are not, in France, so distinct a class as in other countries, that Mr. Bulwer thinks them better qualified to perform the duties assigned to them in the nation. The different ranks are more mingled and thrown together, and therefore those feelings of *caste* do not exist to the same extent as in some other nations.

"Still, the man who has sunk from opulence to mediocrity, or the man who is rising from indigence to wealth, is equally partial to order and tranquillity; and here the middle class in France, though composed so differently from that elsewhere, is moved by the same impulse. Containing the soldier, it is averse to war; and springing in part from the lower ranks of the people, it is averse to revolution."

If these positions of Mr. Bulwer are correct, and we believe them to be so, the constituent power of the nation is confided to safe hands. Listen for a moment to Mons. Duvergier d'Hauranne, a deputy of the "*juste milieu*"—

"To whom indeed ought power to be given, if not to the 'bourgeoisie' of whom we speak? To the aristocracy? I am far from undervaluing the services that those classes have rendered in former times, or to deny the kind of historical pomp which still surrounds them. *But the blindest must see that the time for an aristocracy has gone by.*

"To the classes the most numerous and poorest? I know not, for my own part, if these classes will ever arrive at such a degree of intelligence, of civilisation, and of leisure, as will give them the power of governing instead of being governed; but this I know, that at the present time they are not arrived at this state of capacity: that at all events we must govern, not by them, but for them.

"To the middle classes, then, to the middle classes alone, belongs the government of France."

"The time for an aristocracy is gone by."—The principle of Mirabeau, as proposed in his celebrated declaration of rights before the national assembly,* has been carried through the charter of the "restoration," into that of the present government, and now stands in the first† article of that instrument, the guarantee of civil liberty and political equality.

We say the guarantee of *political* equality, as contradistinguished from *social* equality, of which there exists as little in France as in any country of the universe. We will suppose a case.

There lives in Paris a Mr. A—, a foreigner of immense fortune. He is burning with a thirst for fashionable notoriety. There is in that city a haughty and exclusive aristocracy, into whose circle he aspires to gain admission. This is the darling object of his life—the subject of his daily thoughts—of his nightly dreams. He possesses not the influence which is derived from noble birth, and he finds the doors of this magic circle closed upon him. Money he has, in abundance, and upon this he relies for the accomplishment of his purpose.

There lives, in a dark street of the gay capital, a noble duchesse of the old *régime*. She is poor. Her poverty amounts almost to want. She has barely sufficient to support existence. By right of birth, she is one of the *clique* of which we speak.

The restless eye of Mr. A— falls upon this duchesse. He seeks her out, and gains an interview—long negotiations follow—a bargain is struck between them. It is as follows.

Mr. A. is to hire, for the old duchesse, a splendid suite of apartments in the Faubourg St. Germain. These are for her separate and exclusive use, as a winter residence. He is also

* "Tous les hommes naissent égaux et libres; aucun d'eux n'a plus de droit que les autres, de faire usage de ses facultés naturelles ou acquises; ce droit commun à tous n'a d'autre limite que la conscience même de celui qui l'exerce, laquelle lui interdit d'en faire usage au détriment de ses semblables."

† "All Frenchmen are equal in the eye of the law, whatsoever be their titles or ranks."

to furnish her with a handsome house and grounds in the neighbourhood of Paris. This is to be her summer residence. A sufficient allowance is to be made her, for the support of these two establishments.

Mr. A— has his own gorgeous hotel in the *quartier* of the old aristocracy. He is to give a series of splendid balls. The duchesse is to invite the guests. Mr. A— himself is not allowed to invite any one. This is the express stipulation of the old lady. A grand ball is given, and Mr. A—'s salons are honoured by the presence of these distinguished guests. A— is delighted—he is in ecstasies—the great object of his desires is at length accomplished. But hold!—

“Who is that person?” says the duchesse, pointing to a gentleman in black, in a distant part of the room. Mr. A— looks confused, and stammers out,

“That—is a Mr. C—, a gentleman who was very civil and attentive to me in England—I could not well avoid asking him—I therefore—ventured.”

The duchesse draws herself up haughtily. “Mr. A—” she observes, “you cannot fail to remember the conditions which I made with you, when we entered upon this arrangement—you have violated them, sir—I trust it may be the last time.”

Mr. A— bows submissively. The duchesse walks majestically away.

Some of our readers will, perhaps, recognise this picture. But listen to Mr. Bulwer.

“Who is at the head of society there? (Paris.) The king? The court? that handsome and well favoured prince whose apartments are so tastefully adorned in the Pavillon Marsan? To the king, and his court, to the prince who is to be king and to have a court—behold! yonder salons of the elect are barred, banned!

“To whom does the banker bow so low? To the lady in favour at the illuminated Tuileries—or the dame who receives in a dark hotel in the Rue St. Dominique?

“You tell me, Monsieur Duvergier, that the aristocracy is gone by. I know no country where it is more alive—in the drawing room.

“There is a club at the corner of the Rue de Grammont, composed of the persons best known in *society* at Paris. The Duc de Luxembourg, the type of the old aristocracy, is chosen president by a great majority.

“But enter a new arena! a complimentary address is to be presented to M. de Chateaubriand.*

“The address is to produce a sensation: who should present it? The young royalists hold council together.

“What person do they select to place at their head—this time? Do the young journalists and bankers and *rentiers* select Monsieur de

* “On account of the pamphlet, containing that famous phrase—‘*Votre fils, madame, est mon roi!*’—addressed to the Duchesse de Berri.”

Luxembourg, or Monsieur de Fitz-James, or Monsieur de Montmorenci ? No ; but the Duc de Luxembourg, the Duc de Montmorenci, the Marquis de Fitz-James, select—Monsieur—Thomas.

“ ‘ We have got a capital person,’ said a Carlist to me. ‘ We have got a capital person to present the address ; a Monsieur Thomas !!! ’ Dieu merci, il n’y a rien d’aristocratique dans ce nom-là !

“ This is the circumstance to be remarked in France, a circumstance puzzling to most strangers. That class which we call the aristocracy, at the same time takes the lead in private society, and the tail in public affairs.

“ Defeated in the market place and the forum, it has entrenched itself in the salon ; and if driven from the chamber, finds a consolation in breaking the hearts of the deputies’ wives.

“ An aristocracy, then, and the pretensions of an aristocracy, still exist in France, when an aristocracy and its pretensions can do little harm. When I say ‘ harm,’ I may be using a wrong expression.

“ That elegant and graceful *clique* which flitted but five years ago, in all the suavity of power—for it is not power that is insolent and exclusive—round the royal person ; hostile as a favoured band to the interests of the people, forms as a discontented faction the best opposition to a court. They who would sneer at the just rebuke of M. Odillon Barrot, will writhe beneath the courtly satire of Madame de Noailles ; and even Napoleon, after unhesitatingly crushing the constitution and the press, halted more than once before the whispered censure of a little brocaded circle, who respected his power to make kings, and smiled at his efforts to make chamberlains.”

When the consulate gave way to the empire, an order of hereditary succession was established. The old nobility had lost its *prestige*, and a new aristocracy was projected, to be founded and perpetuated on merit. This was the origin of the institution of majorats.

By an imperial decree, made in August 1806, a number of fiefs were created in foreign countries. These were bestowed as rewards for services to the state, and were to descend on the death of the father to the eldest son. Another species of majorat was an order of nobility, granted to a citizen of merit, and endowed by his own private property. The majorats of the first class, lying principally in conquered territories, were given, as our author observes, with the double object of attaching the nobility to the crown, and its conquests to the empire.

In a note of Mr. Bulwer it appears, that entails were first limited to the second degree, by an ordinance in 1747, and afterwards, in 1806, were prohibited. They were, however, again introduced in 1807, in a case forming an exception to the prohibition of 1806, in these words :—

“ Néanmoins les biens libres formant la dotation de titres héréditaires que l’empereur aurait érigés en faveur d’un prince ou chef de famille, pourront être transmis héréditairement.”

When these projets of law were under discussion, they were opposed on various grounds, not necessary to be detailed here. This order of things has now passed away, and the laws

relative to the abolition of majorats, and substitutions or entails, have overturned the only foundation on which a hereditary aristocracy can rest.

We say a *hereditary* aristocracy,—at this moment there exists in France two aristocratic influences,—the one emanating from the nobility of the ancient *régime*, the other from the peerage of the existing reign; the first retains its prestige in social, but not in political life,—the second is founded upon those qualities which command public respect.

“As the passion for military glory was stronger during the olden time than the pride of birth, so is it stronger at the present time than the pride of equality.

“In the reign of Louis XIV., the court saw, without a murmur, the title of ‘duke,’ which was a right, submit to the title of ‘marshal,’ which was a gift. In the reign of Louis Philippe, the nation elevates the distinctions of the camp above the doctrines that denounce distinctions among the people.”

The chamber of deputies is a representation of the middle classes. It is not elected by the mass, nor from the mass. It is chosen by a constituency of 173,000 of the “*bourgeoisie*,” more than twice the number of the constituency of the preceding reign. It is not chosen *by* the mass, because a citizen (being of the age of twenty-five years) must pay a direct annual contribution of two hundred francs, to constitute him an elector,—officers of the army and navy, and members of the institute, excepted, who need pay but half that sum. It is not chosen *from* the mass, because the candidate (being thirty years of age) must pay direct taxes to the amount of 500 francs, in order to be eligible,—to do which he must have an annual income of 3,000 francs.

It is clear that these qualifications are not possessed by the mass. Now, as to the chamber of peers :

“If you wish for another assembly, which the king and people shall respect, and to which the chamber of deputies can be appealed from, it must be an assembly composed, not of the superiorities of past times, nor of foreign states, but of the acknowledged and existing superiorities of France.

“To create such an assembly was the intention of those who founded the present chamber of peers; but I cannot but think there is a radical vice in the very origin of this institution.”

What is this radical defect, of which Mr. Bulwer speaks? Let us see :

“You wish,” says he, “for an independent body, composed of persons whose distinctions shall impose a popular authority upon the sovereign’s opinions, or give the sanction of a superior capacity and intelligence to the counsels of the people’s assembly.”

“You wish for this, and what do you do? You organize the existence of your political creation, so as to cripple it at its very birth. Will

those who are named by the king, receive the faith of the people, or can they be firm against the sovereign's displeasure? The head which should be crowned with popularity, is dishonoured by suspicion, and the hand that should be armed with independence, is paralyzed by gratitude."

Mr. Bulwer has obviously arrived at a wrong conclusion, in supposing that because the peers are nominated by the king, the chamber of peers will never be independent of the king. If Mr. B. had turned his eyes to this country, he might have beheld, in the Supreme Court of the United States, a tribunal, the members of which are nominated by the executive, and yet a tribunal which is beyond the reach of party influence. Why is this? Because the judges have no motive for yielding to such an influence. They are nominated by the executive, it is true, but they cannot be removed by the executive. The tenure of their office is during good behaviour, and they are only removable by impeachment before the national senate. In this, then, their integrity lies, that they are independent of the nominating power. And so with the peers of France. They are nominated by the king, from certain *notabilities*, but their dignity is given for life.

The next topic on which our author writes, is the condition of the working classes. He has given much labour and industry to the collection of facts on this subject, and the opinion he forms of their situation is very favourable. He is so minute in his details, however, that we could not do justice to his remarks without entering largely into their examination. We, therefore, pass on to the succeeding chapter, entitled "Equality."

"What have we seen in France? a popular literature that acknowledges no privileged order of critics; a cheap press that addresses itself to all classes of readers: a church establishment that embraces all sects of religion; strange philosophies founded on the association of all capacities; a soil partitioned amongst all ranks of persons; an upper class, whose exclusive pretensions are treated with ridicule; a middle class possessing great political authority; a working class almost independent, and demanding an increase of riches and power. Are not these things the sign of that fact which I take as a title to this chapter?"

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"The principle of equality, as understood and as existing in France, is this:—A man *may* be every thing, but he has *no right* to be any thing; he may be every thing *by ability*; he has no right to be any thing *by privilege*.

"What is the question you ask of any one in England?—*Is he gentlemanlike?*

"What is the question you ask of any one in France?—*A-t-il de l'esprit?*

"In these two questions lie the genius of two nations, which I do not compare, but contrast.

"In one, the nobility descends into the arena where power is acquired

by talent. In the other, talent, as the consequence of its power, mounts into the nobility."

Society in England is cut up into a hundred divisions, which renders the position of every man in the kingdom one of constant fretfulness. No one is satisfied with his condition in life, but is continually straining to get over the line which separates him from his neighbour.

"The Duke of Devonshire," says Mr. Bulwer, "is not more exclusive than the duke's poulterer. Society is a long series of little uprising ridges, which, from the first to the last, offer no valley of repose. Wherever you take your stand, you are looked down upon by those above you, and reviled and pelted by those below you. Every creature you see is a farthing Sisyphus, pushing his little stone up some Lilliputian molecule."

We have seen that the feelings of *caste* which existed, as well in France as in England, previously to the revolution of 1789, have been gradually vanishing since that period; the ideas of equality, among Frenchmen, date from that time, and have made rapid and increasing progress in overcoming habits opposed to those ideas, which were firmly fixed by the influence of ages.

An amusing exemplification of this fact lately occurred at Paris, after the executions of Lacenaire and Avril. One of the journals, in giving an account of the scene of execution, called the executioner and his assistants, "*le boucher et ses valets*," (the butcher and his valets). The offended dignity of this high functionary was aroused, and he proceeded to read a severe lecture to the editor, in which he stated that he was entitled, by law,* to the appellation of "*l'exécuteur des arrêts criminels*," (executor of criminal judgments); that he was so called by the minister of justice and by the judges, and that his assistants were not *valets*, but *aides*.

"The struggle," says our author, "is, and has been since the directorship of Barras, between new opinions and old manners.

"Equality is, in itself, neither republican, as some people believe, nor anti-republican, as others suppose. It is republican among the poor, anti-republican among the rich; the first it makes jealous of power, the second it makes anxious for place.

"The opinions that agitate one body would establish a democracy; the desires that prevail among the other would re-establish a court. What reigns is a system of compromise."

The succeeding chapters of this volume are chiefly occupied by statistical details. The civil and military administrations are minutely treated, and a vast deal of valuable information laboriously compiled. If our readers are desirous of investi-

* The law here referred to by the executioner, is an *arrêt* of the council of state, of January 12, 1787, confirmed by the convention of 1792.

gating these subjects, we must refer them to the work, which, notwithstanding the loose and careless style in which much of it is written, we hope will be re-published in this country. The extensive collection of facts, here brought before the reader, is alone sufficient to entitle it to his attention.

The closing chapters are devoted, by Mr. Bulwer, to a summary of his preceding remarks, and to a review of the policy of the present administration. He speaks of the monarchy as it exists, and theorizes as to the government which would best accord with the habits of the people.

"The monarchy of the middle classes, such as it exists in France, though susceptible of great improvements, is not a government (for the people to whom it is given) that can wisely be repudiated or justly despised. It has achieved, and, if continued, will more perfectly perpetuate, that which legislation long deemed impracticable.

"I mean a constitution containing no privileged class ; and yet, in which the monarch is not a cipher, and the people are not slaves.

"Such is the government at present ; if called upon to state what it might be with more advantage, I should describe something, not wholly different, but which, giving greater solidity, perhaps majesty, to the throne, would give greater power to the people, greater independence and nationality to the chamber of peers.

"I should say, in short, that the best government for France, without starting forth in quest of any of those extraordinary changes which are to produce theoretical perfection, would be a *popular and splendid monarchy ; supported here by a national army, there by a citizen guard ; administered by a centralized administration, and having, for coadjutors, a chamber of peers, elected from the superiorities of the country, which would represent, as it were, its moral interests ; and a chamber of deputies, elected by a large constituency, which would represent its national interests.*"

Such a government, our author argues, would be better consistent with the condition of the nation,—by uniting the habits which have descended from old France, to the opinions existing in the new,—by bringing the executive branch more within the control of the people, and thus changing their feelings of jealous distrust into those of confidence. Such a government, Mr. Bulwer predicts, will one day arrive, if the present dynasty be not violently overturned by some sudden convulsion.

We must now, with a few extracts, close our notice of "the Monarchy of the Middle Classes." Many chapters of interest we have passed by ; the first volume we have not even touched. We have confined our attention to the leading idea of Mr. Bulwer, without diverging into those subjects which are but slightly subsidiary to his main purpose. The extracts which follow, afford a clear and deep insight into the character of the public mind in France.

"Let us see ! There has been a conspiracy. Who are at the bar ? a

cabinet maker, a certain number of shoemakers, a locksmith, a painter, a button-maker, an engraver, a shopkeeper, a doctor, and a lady, whose more peaceful occupation is to sit at the counter of a café. All eyes are of course turned upon the lady and the chief of this terrible band, whose plots have disquieted the dreams of the good citizen king, and exercised the arms of his valorous national guard.

"Come forth, most renowned Catiline! 'Who are you?' 'I am the son of a prolétaire, (peasant). I belong to that class which the rich repudiate and misunderstand. My temper is irritable and nervous; chafing at little obstacles,—calm before a battalion with fixed bayonets. I do not know so much as I should wish to know, for education is not gratuitous in France.

"'You ask me my life.—A boy, enlisting as volunteer, I fought under Napoleon's eagles. The restoration came, I returned to my father's cottage, and shared the rude labours of the old man. From that cottage, the revolution of July called me. The charter was violated; I wished for a republic. Wounded on the 28th, I leaped into the Louvre on the 29th. In the Tuileries, a sabre-cut maimed this hand. In the Rue de Rohan, a ball entered this shoulder. As I behaved in July, so I behaved in June.'

"*President.* 'You are accused at that time of homicide with premeditation.'

"*Republican.* 'I know it.'

"*President.* 'You ran about the streets, shouting—To arms!'

"*Republican.* 'Yes.'

"*President.* 'Did you distribute cartouches?'

"*Republican.* 'When they were wanted.'

"*President.* 'Did you not fire upon a battalion of the line?'

"*Republican.* 'I traversed with ten comrades the whole of the first line. Eight fell, and I retired by the street.'

"Such are the answers of a slight young man, with hollow cheeks, penetrating eyes, and black moustaches.

"He had fought for a republic. What did he want? A government without appointments, without taxes. Things, he thought, would go well, if left to themselves.

"Here is one of your 'Young France,' a type of that reckless and imaginative youth, ever ready to rush on the cannon.

"Born of poor parents, with but little education, of daring character, impracticable ideas and good intentions;—consumed by unemployed energies and dissatisfied ambition.

"Requiring action, from his temperament;—the very soul of a state at war—a canker into its repose in peace.

"Let us turn to another class and another type!

"'It happened to me,' says M. Janin, 'as it has happened to all men of letters, present and past—I entered a literary career without knowing it, and without wishing it. I was a writer in ignorance that I did write;—by necessity, as every body is.

"'Oh! I remember my mother, her cottage by the Rhône side, and the diligence which carried me to Paris, on a speculation; for my father, and my uncles, and all my family thought me a real prodigy, and so did the ladies of my village, to whom I wrote verses, and who said that all I wanted was—a little education.

"'Thus was I sent to the "*famous*" college—(for my friends were determined that every chance should be in my favour)—to the "*famous*" college—which had gained the prize that year, and which I and my friends considered it a matter of course that I should gain the year following.

"I passed three years at that college, did not gain the prize, and learned little for my pains; that is to say, I learned neither mathematics, nor languages, nor history, not indeed any kind of literary lore; but I learned something, I confess, of the world's lore;—for I learned how one makes friends, and how one keeps them, and also with how little science, and how little merit, and how little industry, one may get on in life.

"This, after all, was no despicable kind of knowledge. My comrades had friends, and prospects dependent on friends. What, alas! has become of most of them?

"I had no expectations, no friends, beyond the walls of that memory-haunted place—no friends, save an old grand-aunt, eighty years old, who, hobbling along, the dear old creature! by the aid of her hooked stick, came, at last, to take me to her garret, *au quatrième*, to which she had brought all our old country furniture—the chairs, the table, and the little sofa and bed, the very same I knew so well;—and there we lived four happy years of my life:—Oh! what four happy years those were! How many passions given to the wind! how much useless poesy! what sighs wafted to the clouds! what labour too, to gain my little livelihood as I could!

"Those years passed by me like a day. I desired nothing, I feared nothing, I envied nothing. Living with my friends, having now and then with them a joyous and savoury repast, happy in the happiness of my old aunt, and sticking up against the wall, when I could buy them, great red and blue daubs, which I thought very beautiful, and which were called Greeks then, as they would be called Poles now.

"That was life!! and what heroines! with what names! Alexandrina, Rose, Lili,—German, Spanish, French,—great lady, or little grisette—all suited us.

"Thus I and those like me lived from day to day, trusting to chance; with little effort, no variety, and but slight privations.

"But I meant to speak of my entry into literature, how was it? Many volumes could be written on a literary life in France! I mean merely to write of my own. It is short, *but it will give a pretty good idea of the literary life of my epoch.*

"One evening, I remember it well, I was walking backwards and forwards before that theatre, which I then thought the perfection of the dramatic art, "l'Opéra Comique," revolving in my mind, with no small degree of agitation, whether I would or would not give the 44 sous, that the Opéra Comique at that time exacted at its portal.

"At this critical moment, whom should I see but a young man, whose acquaintance I had made in the Luxembourg, by my dog making the acquaintance of his dog, and who had then, under his arm, the arm of an elegant and beautiful lady. What were my feelings when he proposed to me a place in his box, a place by the side of that elegant and beautiful lady, who was no less,—my heart thrilled,—than a singer at the opera!

"My friend was a journalist—his happiness decided my profession: I became a journalist too; and a journalist I shall die, because I was walking one beautiful summer's evening before the door of the Opéra Comique.

"It is but the first step that makes us fear—in a balloon, on a railroad, as the editor of a paper;—there you are seated comfortably and calm; and there is the crowd below you, trembling and affrighted—*voilà tout!*

"Our age is the age of free thought, of independence—our age is the

age of the press—the golden age for the periodical writer. Happy then, and proud am I to belong to that press, to be a periodical writer.

“When I commenced, what existed in France had an immense appearance. It appeared a universe to a gay journalist of twenty. Well, it is all gone—all—vanished—gone, heaven knows where—gone, and devoured by the journal; that power so frail and dwarfish when I commenced my career, exposed as it was to the arbitrary will of a censor, who would cut you off a thought as an executioner does a head.

“By what ruins am I surrounded! What a gulf between the time when I first mended my pen to write, and now when I take it up to trace the recollection of things gone by!

“At first, I was a writer unknown, a writer of the opposition by epigram—harassing and attacking the ministers, of whom I knew little, and who knew less of me. Later, I rose from the little newspaper to the great newspaper—from the popular journal to the aristocratic journal, always the same man, in spite of what people have thought proper to say, always of the opposition, now here and now there.

“They who reproach me with having passed from one paper to another, cannot reproach me with having changed from one opinion to another; always attacking whatever I thought strong; the enemy of the powerful; never guided in my hostilities by my interest, and ever quitting that side which became the victorious one. This is why I left my little liberal journal of the opposition when it triumphed under M. Martignac; this is why I left my great royalist journal of opposition the day that M. Polignac came into power.

“Opposition has been my life as to others is the support of power.”

“Such is the most popular journalist’s description of his life and opinions.”

On the whole, the opinion at which we have arrived, from a view of this subject, is, that the present government of France is a good government, with, however, some inevitable defects; that it is a strong government, because it is founded upon the material interests of the people; that its permanency depends upon a wise administration of its affairs, and that the moment a weak ministry is placed at its head is the commencement of its danger. If the principles upon which the government is established are abandoned, or extended too far,—if the press is permitted to exercise unlimited freedom,—if the people, volatile and capricious as they are, be not confined by salutary restrictions, that moment will the fruits of the revolution wither and decay.

It was a great error when M. Lafitte went into power, after the days of July. The administration was weak, for the doctrinary system was unsuited to the agitation of the times. The idea of governing the French people through their reason, at such a period, was ridiculous. This became evident, and M. Lafitte resigned.

M. Casimir Perier was a man of talent and great energy of character. These were the only qualities by which his administration could have been sustained; for in more than one

respect it was neither wise nor politic. It was strong, however; and its force supplied the weakness of the system.

When M. Perier died, there was a deal of intriguing as to his successor. The policy of his administration was to be continued, and to that end the choice was directed. There were three nominees—M. Odillon Barrot, the Duc de Broglie, and M. Dupin. The Duc de Broglie was the only one of the three who would pursue the policy of M. Perier, and therefore the choice fell upon him.

But the Duc de Broglie was too doctrinal in his views—he laid a plan for his administration, and he adhered to his system, notwithstanding the occurrence of circumstances which sometimes render a departure from it advisable. In short, the Duc de Broglie, though a man of acknowledged ability, had not enough of that political generalship which would enable him to manœuvre through the various difficulties into which he was thrown.

There was one man in the kingdom who, more than any other, united the qualifications proper for the administration of the government. Himself the offspring of the revolution of 1830, with no prejudices which are not connected with it—thoroughly acquainted with the men of the epoch, their passions and inclinations—despising doctrinary rule, and squaring his measures as the circumstances of the times may direct, and not according to system, he understands—he has shown that he understands—the rocks and shoals, through which the vessel of state must pursue her dangerous voyage. Bold, quick-sighted and skilful—with his hand upon the helm, and his eye upon the landmarks—if there be a man in France who can pilot the good ship to the open sea, that man is M. Thiers.

“Yes,”—says Mr. Bulwer, two years ago—“you, M. Thiers, are the man of the present monarchy; and to you I address myself: *Nam quid ordinatione civilius! Quid libertate pretiosius? Porro quàm turpe si ordinatio, eversio; libertas, servitute mutetur! Accedit, quod tibi certamen est tecum; onerat questuræ tuæ fama.*”

And now—yes, at the moment we are writing—intelligence arrives from the French capital. The ministry has been changed, a new cabinet organized, and M. Thiers is president of the council, and minister of foreign affairs. That which should have been done before, has at last been accomplished, and a new pledge is given to the nation, that the government of France is still the government of the revolution.

That which a government most requires, in order to perpetuate itself, is to continue faithful to the principles on which it was established. In France, a violation of those principles, if of a flagrant nature, would produce a popular convulsion. If the rebellion were successful, the government would be

overturned—if not successful, then a despotism would be raised upon the ruins of a constitutional monarchy. “One man,” says Mr. Bulwer, “wished to be an emperor among emperors, and he fell; for he was naturally the popular chief among a people of soldiers. Another man wished to be an absolute monarch over a nation which had received him as its constitutional king, and he fell; for his charter was—his crown.”

The character of Louis Philippe, although not eminently great, in many respects qualifies him for the position which he occupies. Sagacious in the cabinet, he secures the respect of his ministers. Brave in the field—undaunted in the hour of danger, he commands the respect of the people.

That alone, which will stay the raging conflict between old habits and new opinions, we repeat, is time—and time will do this, unless some sudden shock shall convulse the government, and arrest the peaceful policy it is now pursuing. A gradual effort to improve the condition, and not a violent attempt to alter the character, of the people is the true system. “There is no foundation for our affairs in desperate courses. Public, as well as private life, has an usurious policy, which, to satisfy the emergencies of the instant, borrows too largely from the times that will come.

“Let all ministers beware of this policy! it saves for the moment, but it ruins in the end; and is equally unworthy of a people who love freedom, and of a monarchy which, with the aid of time and Providence, is well calculated to couple liberty with order.”

ART. VI.—*Constitution of the Trades' Union of the City and County of Philadelphia, with the By-Laws and names of Trades. Instituted March, 1834. Philadelphia, 1835.*

Each age reproduces the absurdities of its predecessors. Men go to the school of experience, (the only school, says Burke, at which they will learn any thing,) but their wisdom drops with them into the grave, and their sons never think of searching for it there. The lessons which posterity learns of the past are viewed as texts for new commentaries, in which scribes and scholiasts may suggest conjectural readings, and speculate in versions and parallels. If there were one single political truth on the earth which mankind (even civilized mankind) had agreed to place beyond the reach of disputation—if there

were an era or a character in history about which historians were unanimous, we would hail it, not as the foundation on which hope might rest, for hope has a mightier resting-place, but as the visible point of support for the lever, which must one day move the old world of folly and discontent. Philosophy must keep her eye on heaven, in order not to be sickened with the recklessness with which men disregard their acquisitions and their materials for happiness, and the restlessness with which they struggle for the distant and the possible. Laws, natural, social and divine, radiate on them from above, while they grovel after abstract rights and fancied privileges, like the miser in the allegory raking in the dung-heap, unmindful of the golden crown within his reach.

We do not deny that all the agitation and collision, the processes and the efforts of society, may produce out of violence and error both peace and light. We are bold assertors of the salutary progress of human affairs, as we are firm believers in it. It is the first and most consolatory result of our trust in an overruling Providence. We daily look to that principle with intense gratitude and earnest hope. We rejoice that we live where we do and when we do, because we are satisfied that as Americans, surrounded by the testimony of a rising world to the capacities and prosperity of human kind, we are better enabled to note and mark the advancement of our species than if our vision were obscured by the extremes and exaggerations of an old community. But we are not now considering the broad question of human destiny; we are arguing about the impediments and obstacles which lie in its path. We are looking less at the triumphal car than at the cost of the victory which the pageant announces. We are counting the wrecks that lie between us and the smiling scene on the other side of an intervening ocean—wrecks which owe their misfortune to the storm of human passion and the fatal confidence of human pilotage. Every new evidence of infirmity, every new form of error, (and error is Protean,) every successful appeal to the influence of falsehood, though it touches but the verge and margin of society, may in time change its form and aspect. Truth then retreats to her well—Faith ascends to heaven—Justice leaves her last foot-print in remote and primitive districts—*extrema terris vestigia facit*—and men begin, for the hundredth time, the old strife for repose, as if their political mythology demanded a periodical sacrifice for peace.

Not the least lamentable reflection to the philanthropist, is that which teaches him that the elevation of human condition is no sure guarantee for contentment. The great problem would be solved if, in increasing man's political rights and augment-

ing his physical comforts, he could be furnished with a right standard for the regulation of his desires. His condition would then be the index of a clear and glorious future. It would be impossible to impede his progress. We repel with all our energy the stagnant doctrine of some foreign politicians, that he is the happiest man who is driven by necessity, or who is apathetically content to follow his ancestors, in one mill-horse circle of labour and food, all his days; but we lament that when taken out of that circle, and placed in a higher and better sphere, he should uniformly leave behind him that contented mind which, if it had no aspirations, had at least few regrets. Ignorance is never bliss in a lofty view of the ends of creation, but there is a half-enlightened, half-matured wisdom, which knows too much and too little—too much for society, too little for its possessor. In such wisdom there is not only folly but danger.

Legislators are nonplussed by this anomaly in the moral man; they cannot count upon the selfish principle. Not content with plenty, he craves power. They guard his rights, build up a bulwark around his liberties, fence in his possessions, and enlighten his mind; and the first use he makes of his new acquisitions is to encroach upon those of his neighbours. He cannot comprehend the difference between social rights and political conventions. He levels them all only to find them grow up again according to a natural order, which stubbornly refuses to yield to the best theory in the universe. The first day of calm sees Industry beating his sword into a ploughshare, whose earliest furrow begins a new line of distinction and reproduces that everlasting separation of orders, which alone can sustain communities, whether monarchical or republican—the separation between the doers and the dreamers of life. It has ever been so. The moment that labour is looked upon as an unnatural condition, that moment its advantages are desired without its inconveniences. An envious glance is cast towards those who have inherited or acquired its rewards. Experiments are tried with the primeval curse. Alchymy peers into the crucible for gold, and wastes over it the health and strength that might have made the projector rich. Still toil accompanies and death terminates life. No jugglery can efface either branch of the sentence. Generation after generation learns this for itself, and writes it on marble, as the great lawgiver did his statutes, high up above the deluge, as a record for eternity; when anon comes a new sciolist, with a prism or a proverb, to enlighten or illustrate his era. The crowd gazes, wonders, believes; the bubble rises, floats and bursts; *plectuntur Achivi*—the people are the victims; and another chapter is added to the traditions of human credulity and suffering.

While men are thus lashed around the old circle, from fear to exertion, and from exertion to despondency, "goaded themselves when others do not goad," cheated by the designing while they are free, and awed by the powerful when they are slaves—their own worst enemies always—knowledge can execute but half her mission. "The brighter the light, the deeper the shadow," says the great German, and so it must ever be if obstacles are interposed between the source and the object of light. Perverted truth leads to the most dangerous errors. The human race has been compelled to rebel so long against injustice and force, that it is always on the watch for an enemy. Freedom and security do not satisfy it, (nor is it strange that they should not,) without an incessant invocation of new and extreme sanctions. We sincerely believe that during the reign of open violence, when every man was an Ishmael in the wilderness, the human mind was scarcely more pregnant with apprehension than it is at present. The dangerous spirits, the factious, the designing and the dark, know this well enough when they apply stimulants to a disease which requires a mild and soothing treatment. Like unfaithful menials, they conjure up imaginary ghosts to frighten unquiet children. They abuse terms, they pervert history, they dress up the effigies of old names, they decry knowledge and art, and pander to bad and unwholesome influences. They place the passions between the light of the laws and the public tranquillity. They are *agitators* by trade; men who, like the spies and informers of despotic governments, live upon denunciation and falsehood; and who style themselves, in the fever of revolution, like Camille Desmoulins, *attorneys-general of the lamp-post*. The worst enemies of popular rights are the professional trumpeters of popular *privileges*. In a government of laws there can be no privileges, save such as those laws confer, and they in receiving legal sanction become rights. Neither have the people reserved any power; they have merged it in the laws—they have even prescribed the very method whereby it should be resumed if necessary. Power resides in the representatives of authority. There is more *power* (in the proper acceptance of the term,) in a constable's staff, than in the whole physical strength of the United States. That body without a soul, that *rudis indigestaque moles*, is capable of nothing, save the exercise of brute force. The moment it is up and in action in any other than the prescribed form, that moment it ceases to be the object of any man's allegiance, of any man's trust. It becomes a shadow on a cloud—"one thunder-word," one moral convulsion, one elemental struggle may sweep it quite away.

Have we been dealing in abstractions? If we have, abstrac-

tions are the experimental tests of morals. It is well, moreover, sometimes to set them forth, like points of light on a dark path, were it but to stand at gaze at them, like Claudian's Fauns "wondering at the stars." But we are now bent upon the more serious business of their application. Our own country, albeit we abate no jot of heart or hope in her progress and destinies, has problems enough for philosophy and patriotism. It is impossible not to see in the recent fermentation of American society something more remote and deeper seated than the operation of mere physical causes. The progress of power, the profligacy of party, the rude license of pen and tongue, before which nothing has remained sacred, and the diligent appeals to caste, (that odious old cry of poor against rich which demagogues have ever found so potent a destroyer of happiness,) are producing their certain effects. Studied or not, there has been in our recent history a successful array of passion against experience, a powerful and overwhelming combination of exciting influences against national repose and individual contentment. Let those who have aroused that passion and invoked those influences look to it, lest they are found in that class of pseudo-magicians who, like the servant in Apuleius, know but one half the secret; who can brutify and disguise humanity, but who are without the potential charm to redeem it. Their paper laws will be scattered to the winds, if men find, as they have lately seemed to imagine, that they may be violated at the dictates of caprice or convenience. Opinion, even where a material force exists to back it, is the soul of civilization and order; how much more so when it stands alone, the guardian as well as the creator of the laws. Break down the ideal majesty, the uncrowned, unsceptred, but mystic and awful royalty of that opinion, and the only choice left is between anarchy and the bayonet. Corrupt it, and you substitute an irregular, fluctuating will, for the rule of reason and right. Degrade it, and a thousand pretenders will rise in its place, each more fantastic and more shadowy than its predecessor. Midnight alarms, dwellings rifled, and citizens driven into exile or gibbeted in the market place, are wretched yet obvious results of this corruption and degradation of opinion; of an upstart and bastard authority which ventures to sit in judgment on the laws themselves, and dares to usurp functions and defy forms which lie at the very foundation of individual security, and the tranquillity of the republic. It is the Jacobinism of the press and the rostrum, carried out into practice. If men will sow dragons' teeth, they must expect the crop of Cadmus, without his good fortune. Sowing salt is not much better. No society can live in a perpetual fever. "Function is smothered in surmise" by incessant agitation, and the public

mind fretted into delirium by appeals from legislation and decision to extraordinary and revolutionary remedies. The laws which ought to recognise no power between their functionaries and their objects, are paralysed by the din and turmoil with which they are surrounded, and they are subverted, or at least turned aside, by the intervention of illegitimate influences. Public men legislate and live in America in the arena, where they are exposed not merely to the swords of their fellow gladiators, but to the fang and the claw of more obscure antagonists. *Nigro bellua nil negat magistro.* The pack fastens at the signal of the huntsman. Fame goes for nothing, honour for nothing, the sufferings and services of a long life for nothing. An exalted intellect is too high by the head. Are not all men equal? Why not bring it, in the slang of coparcenary, into *hotchpot*? It is aristocratical to know too much, as it is to have too much. This is the mere old ostracism of greatness and virtue—the same which banished Aristides and poisoned Socrates. With us it may not kill, but it may make life not worth the keeping.

The rewards of public service—honest and honourable service—ought to lie elsewhere than in a man's own bosom. A good conscience is a good defence, but the state is not to be thanked for it; that brazen wall is not built at the public charge. We may talk of living down calumny, but who wants such a foul fiend dogging his heels through the whole summer of his existence? The statesman who in a past age went from the cabinet to the scaffold, at least walked through a court of justice on his way, and the next generation raised a monument to his memory—happier in that than he who, in our times, meets no responsible accuser and awaits not even tardy and posthumous renown. Martyrdom has always had its charms. It is a great ennobler. But that war which cuts away reputation by piecemeal, and fights with the file instead of the sword, leaves its adversary nothing with which to combat while he is on the stage—nothing to hope for when he quits it. We deprecate, in every view, the spirit of unfairness, of misrepresentation, of low imputation, which pervades our American politics. The limits between truth and falsehood are utterly confounded and obliterated by it. It respects no standard of judgment; it yields to no weight of evidence; it stops at no aggravation of injustice. It is terrorism aided by the press instead of the guillotine, accompanied by political proscription and followed by the extremes of distrust or adulation. The next and sure consequence, if the mischief is not abated, will be practical terrorism. Flash and Squib have already begun to write letters, intimating that houses may be burned and that legislators are mortal. *Sejanus ducitur*

unco; the idol of a year ago has already had the rope around the neck of his straw representative—Cæsar and Brutus have become apt parallels.

Shall we be told that all this is mere harmless effervescence—the work of a few of those unquiet spirits whose passion has in every age and state outrun their judgment? We are sorry to believe that the evil is more diffused and more alarming. It lies in a disposition to bring every act and every character to the immediate test of popular judgment; in a real repeal of the representative system;—legislation by a show of hands in the Agora, or the tribunitial *veto* on the Mons Sacer. Muskets have been the usual instruments of dictation to representative pertinacity. Cromwell and Bonaparte found out their efficacy; but clubs are equally serviceable to enforce attention or punish disobedience. Our legislators are fast descending into clerks, with their *amen* written down for them. Pledges beforehand and instructions after, will soon leave them the choice of parrots between the favourite phrases of a present or a recent master—a glorious alternative between *nunc* and *nuper*. Senatorial service is becoming coeval with that of the bodies it represents. The majority shifts with the weathercock, and six years dwindle into one. Fortune plays her game with the conscript fathers of the republic, adroitly juggling them in and out with a shake of her wings;

“Ludum insolentem ludere pertinax,
Transmutat incertos honores,
Nunc mihi, nunc alii benigna.”

What is the object of a deposit of power if it is to be thus instantly resumed? Why is the grave farce of election periodically acted to be made of none avail? Is it not apparent to the dimmest vision that there can be neither stability nor strength where the plain provisions of the fundamental law are thus evaded for selfish and temporary purposes? If the people so please let them abrogate their constitution, and boldly and manfully make another with all manner of provisions for popular protection. If any branch of the government is too strong or too long-lived, they have a mode of shearing its locks, and of curtailing its existence. But this sapping and mining, these side winds which blow in gusts and flaws, this continual dropping which, by little and little, wears away the cornerstone of their edifice, are all mischievous and miserable alternatives. Plain men are mystified by jargon until they lose all confidence in the catechism of their political rights. They are taught to believe that they are cheated by every exercise of function which does not emanate from their own express

and immediate dictation. Like honest Nick Bottom, they must play all the parts. So be it, if so it must be. But let us have no more pretence about the matter. Let the people know honestly and fairly what they are to do. Their constitution is half a century old. The French had half a dozen in one-tenth of that period, running through every variety of pyramid and column, with checks, counter-checks and balances; classes, colleges, synods and senates, fresh minted for each new holiday. If Americans are for similar experiments, like good republicans, we go with them—nay, we will put in at the grand receiving-shop with our model, founded on no silly practical compromise, like our once glorious, now (always under favour of the conditional *if*) obsolete old charter, but redolent of abstract rights and beautiful theories of the social compact, or of some antecedent antediluvian era,

“ Ere the base laws of servitude began,
When wild in woods the noble savage ran.”

Yet are we, after all, for the established order of things, because *it is order*. Possibly a change may make it better; probably it will make it worse. We are for the constitution of 1787, without the commentary of 1798, or any other gloss or scholium whensoever concocted, save, it may be, that contemporary one, which, as it preceded the refinements and inventions of modern party, and as its authors were subsequently sundered by political division, claims, as it has received, uniform respect. We are for a president for four years, a senate for six years, a house of representatives for two years, a judiciary *dum bene se gesserit*, if for no better reason, at least for this, that so runs the compact under which most of us have been born. We go with Publicola rather than with Pericles. We are opposed to a whispering-gallery by which every popular breath may be conveyed to the capitol—there is always a slave at one end of such a contrivance and a tyrant at the other. We are opposed to all manner of devices and machinery for bringing a great and variable influence from the polls, where it has established its just and legitimate dominion, into the senate house, where, by the constitution, it has neither seat nor voice. If it can come properly there, the speaker's hammer and the wand of the sergeant-at-arms are gross violations of the rights of the galleries. The banks of the Tiber are cheated of their echoes—lawful tributes, as the case may be, to patriotism or apostacy. Once enter on this career (is it not already entered on?) and where are we to stop? Threaten the timid, instruct the scrupulous, defame the bold, and legislators here at home will become in time as very machines as

the members of the national assembly surrounded by six thousand dictators in their hall at Versailles. We cast no imputation upon those who carry their notions of constituent rights to this extreme, but we beg them to reflect upon the tendency of their doctrines, and to ask themselves in what principle they differ from the advocates of a simple democracy. If they can show a distinction we shall be happy to see and welcome it—if they admit the resemblance, we will venture to tell them that such is not the form of government to which any citizen of the United States has vowed allegiance. We “have an oath in heaven” of a different description, and we will not be mansworn. Much as we may defer to their opinions, we cannot espouse them. They are too radical for the institutions under which we live. They may be Athenian, (and that is not a name to be ashamed of,) but they are not American.

Revolution does not always consist in drums and trumpets—the fortress that has withstood a siege has been undermined by the waters of its own ditch. A sack or a bow-string, a pliant minister or a corrupt jury, have done as much for prerogative as Janissaries or Prætorians. Man’s innate love of power eats silently like a mildew into the paper bulwarks which in a moment of magnanimity or prostration he may have set up against it. The self-imposed restraint to which he submits, resembles that of stage-captives—the chains are fastened on with straps. We are by nature revolutionary; first (for when history discovered our species it was in subjection at least, if not in slavery) towards freedom; then back again towards its opposite. The former tendency is the result of instinct, of hope and of moral knowledge; the latter of despondency—we had almost said, of despair. It is a vibration between the aspirations and the experience of humanity. The problem is, as indeed it is in most other cases, political or moral, to rest at the middle point—the point of safety and repose. Past ages have carried the pendulum so far to the side of experience that we may well fear the wide sweep of its return towards the region of hope and trial. If it does not swing too far, it may rise too rapidly. To what extent we can trust ourselves beyond the gravitating point is not now the question. We seem to have no suspicion that we can become giddy under any circumstances, but may we not go too fast? “In all free nations,” said the Drapier, more than a hundred years ago, “I take the definition of law to be, ‘the will of the majority of those who have the property in land.’” That maxim was superseded by the Draconic code of the French revolution, for even in America nobody thought of disputing it until the events of that struggle in a few short years obliterated half the old axioms of politics. The principle, however, is repealed, (it

matters not how or when,) so far as America is concerned,* and on most philosophic grounds. It would be absurd, where the developement of the national energies and the support of the national character owe to commerce, manufactures and the application of mechanical labour, as much as to agriculture, that the possessor of a few acres of mountain or moor—of “forty pounds a year” in corn or cabbages, should be the exclusive law-maker. Dry goods, a lap-stone, or a ship-carpenter’s hammer, are as legitimate parents of the franchise as Gonzalo’s “long heath or brown furze.” But we stop there, and stand on our reserved rights. If property in land is not a qualification, neither is property of any sort, nor that mother of property and influence in a free republic, educated intellect, to be a disqualification. We recognize no *privilege of poverty*,—we would as soon submit to the privilege of peerage.

When a war against property unites the majority of the physical and moral force of a country, it is generally a war against abuses too—it is revolution. Such it was in France, and we are not prepared to say that in the outset, while motives were pure, many an honest patriot might not well have contemplated a division of property as an inevitable precursor of reform. It was indeed a wretched alternative most wretchedly settled. But here a war against property would be what a great statesman calls “Jacobinism by establishment;” a mere strife for gain without even the excuse of a pretended virtue; a mad agrarianism ending in its own suicide; a bloody and circuitous hunt after that which lies at every man’s door. Yet have the inflammatory harangues and paragraphs of some designers with purposes to answer, and some dupes with no purposes at all—mere echoes from the mountains—half excited it. Every popular mutiny against the laws, we care not if it takes the shape of a mob in the streets, or the more peaceful guise of a private society, the moment it invades the right of the capitalist to enjoy his means, or the right of the operative to gain a livelihood, makes war upon property. It matters little whether banded men rebel at once with arms in their hands, or whether they form a conspiracy to effect illegal purposes in silence. The tendency and end of their measures are the same. Perhaps the latter method is the more dangerous one, inasmuch as the order of society is undermined, and its life corrupted, before the evil is felt. Open and furious riot enlists only the very daring and the very desperate, and soon spends itself by its own violence; but a combination proceeding under specious forms, with regulated action, for a definite and alluring end, appeals

* Under the charter of Charles II. to Rhode Island, the freehold qualification is still requisite.

strongly and successfully to the selfish principle, and completely disguises the counteracting penalty. The existence of an organized body of malecontents, (not professing to act on the principles of a political minority,) in a country where station is not affected by any distinction of rank or privilege, and where every citizen's destiny is in his own hands, is indeed a gross solecism. From the nature of its constitution (we speak politically and not with reference to particular legal provisions) its objects must be incompatible with the general welfare; for when any class of society forsakes the open track, disregards the very principles under which it claims to live, and which its members, or those possessing common interests with them have established, and seeks for remedies which those principles cannot sanction, the safety and rights of every other class are endangered, and the compact of society broken up. A league in defence of the law is the necessary counterpart of the conspiracy against it. The result, however modified, or by whatever name it may be called, is a state of war; not necessarily a war of guns and swords, (though it comes to that at last,) but a war of opinion, a war of sentiment, a war of strenuous and agitating effort, a war of bad passions and irritated feeling, a war of desire against possession; the old war, as we said at the beginning, against the security of property and the stability of those provisions by which alone property can be protected.

Are there no indications of the existence or probable commencement of such a state of things here at home? What import the signals of attack upon obnoxious corporations; the threatened repeal of charters; the bold agrarian doctrines of certain societies, exultingly avowed by their practical expounders during the sack of Baltimore? The *vultus instantis tyranni*,* has an eye for plunder as well as for revenge. What imports the institution whose name may be found at the head of this paper, and which exists but as the branch of a wide-spread combination designed to promote its own interests (for that is the plain English of the case) at the expense of those of the community? It matters not, as a political symptom, that it proceeds upon an utter fallacy which it claims in all sincerity to take for granted. Ignorance or mistake may sometimes extenuate wrong, though even those excuses are no justification for breach of law. We will consider that part of the matter hereafter. Even admitting the truth of the postulate it is applied to an unjustifiable end, which it is proposed by the society to attain by wrong means. Of so much the members of the society are not ignorant. They know that they interfere with

* "That worst of tyrants, an usurping crowd."

Pope's *Iliad*, ii. 242.

other men's rights, and that they do so by a system of proscription, terror, and espionage. But we do not admit its truth. It is a plain absurdity to suppose that legal measures could result in such an end, or that honest ends can require such measures. They are therefore bound to know that their fundamental principle is unsound and fallacious; that they have no wrongs to redress, and are suffering under no denial of right. They ought to judge the tree by its fruit, the fountain by its waters, the influence by its consequence. The doctrine is untenable which can only be upheld by breaking down the law. When the pursuits and progress of society are disturbed or arrested, we are apt to suspect the presence of a malign influence. Labour stood still when Pluto broke out of hell:

*"Turbatur Lipare, stupuit fornace relictæ
Mulciber, et trepidus dejecit fulmina Cyclops."*

We cannot consent to regard the existence and proceedings of the 'Trades' Union, as unimportant indications. Not that we fear immediate danger from a combination comparatively so insignificant, but we dread the tendency of measures which accustom the minds of any class of citizens to look away from the laws for redress or protection, as we regret the dissemination of doctrines inculcating the irregular exercise of popular authority. There is a fanaticism in politics as in religion, the more dangerous from the legitimacy of its origin, under the influence of which the judgment is distorted, and desire metamorphoses aspirations into rights. The fly in the fable perched on the pole of the carriage, would fain direct its speed and motions, forgetting the existence of the legitimate conductor behind him, or the disparity of physical force before—the moral and material powers to be contended with and overcome. What are the grievances of which the society in question complain? If of breaches of the law, the law will redress them. Every wrong has its remedy. If of the relations which subsist between the different branches of society, these are no grievances, unless error is to be imputed to the All-wise. Until He changes the powers and passions of men, and introduces equality into their intellectual and moral nature, their relative social condition cannot be altered. The hardest lesson to be learned under a government founded upon equality of political rights, is that human condition can no more be equalized, than the faculties or forces of different individuals. That everlasting rule of society always triumphs over artificial restrictions, as the ceaseless tides of the ocean roll in to their appointed place at last, though checked for a season or a century by mounds of earth or walls of stone. All men feel this well enough in prac-

tice, if not theoretically, but they are not willing to admit its consequence. They attribute it to every cause but the true one. They legislate upon it, theorize about it, lose themselves in the mazes of the original compact, study and speculate according to their opportunities, and seldom end without some fresh experiment for altering the economy of Providence. They might just as well regulate the stature of their fellow citizens on the Procrustean model, and cure inequalities by cutting off heads.

Let us look for an instant at the "preamble" to the constitution of the 'Trades' Union of the city and county of Philadelphia—*ex uno omnes*. It commences (somewhat ambitiously) as follows :

Major. "When we consider that all men are endowed by the Ruler of the Universe with the same natural rights, and are fitted to enjoy the same privileges, and the same blessings ;—when we know also that these are guarantied to us by our constitution, and by the glorious declaration which our fathers made when they wrested from their oppressors at the sacrifice of life and fortune, their invaluable birth-rights, civil and religious independence ;

Minor. And when we see those rights daily invaded, and feel that they are rapidly withering in the unrelenting grasp of usurping power ; and knowing also that as the past has lived for us, so we must live for the future ;

Conclusion. It becomes our sacred and imperious duty to come boldly forward to the rescue, and, at every peril and by every means to cherish and protect those immunities, which belong not only to ourselves but to succeeding generations."

Now we deny every important postulate and inference in this preamble, which we have divided, for convenience, into the members of a syllogism, and we say that the doctrines contained in it have a direct tendency to uproot society, and are totally irreconcilable with its order and laws. In the first place the *natural rights* with which "all men are endowed by the Ruler of the Universe," are the rights of the savage, and consist in the absolute power of unrestrained action and the unfettered freedom of individual will. These rights are not "guarantied to us by our constitution and by the glorious declaration" of our forefathers. Our forefathers were not madmen. On the contrary, the rights in question were surrendered the moment man entered into society, and their surrender was the consideration of the protection which society has ever since derived from law, and our society from the very constitution invoked in this preamble. The declaration of independence enumerates "certain unalienable rights, among which are life, liberty, and the pursuit of happiness." But the unqualified assertion of these rights in that instrument was an act of revolution, and the proposition is only intelligible in that connection. Na-

tural rights can only be set up when social rights are invaded, and men are ready for civil war. In ordinary times, society every day declares them forfeited to its exigencies and demands. They are held subject to its laws. A defendant at the sessions would find his natural right of liberty and the pursuit of happiness a poor plea in bar. The "declarations of right" in our constitutions, are abstract recognitions of the right of revolution placed there as barriers between government and people, not as weapons of offence for the use of one class of society against another. They are useless. Every man's instinct tells him all he can learn from them.

If, then, the 'Trades' Union have no natural rights except such as exist beyond the pale of society, and are only to be resumed on a renunciation of their claims on the community, and a reciprocal release to them on the part of that community, (for be it remembered the contract has two parties,) then one of two things is apparent, either that the assertion in the minor proposition of their preamble is untrue, viz. that "those rights are withering in the unrelenting grasp of usurping power," since that "power," whatever the indefinite term may mean, results from a legitimate source, and is directed to a legitimate end; or else, that they are in a state of revolution, the necessary and justifiable consequence of obvious, palpable and extreme oppression. As they do not assert the latter to be the case, and as they have not shown and cannot show facts which will enable them to assert it successfully, the conclusion to which they come in their preamble, that it is their "sacred and imperious duty to come boldly forward to the rescue, and *at every peril and by every means*, (revolutionary or otherwise, for there is no exception,) to protect those immunities, (immunities not threatened or infringed, since they have been long ago surrendered,) which belong not only to themselves, but to succeeding generations," is a false conclusion which, if carried out into practice, will subject them to great hazard and difficulty, and which the instinct of self-preservation binds society energetically and effectually to repel.

Were these reprehensible doctrines mere abstract notions, propagated by the Laputans of some flying island, we should not take the trouble to refute them. But they are the fundamental dogmas of a wide-spread combination, which claims to act under them and to promote them "at every peril and by every means." They are rank political heresies, aptly and necessarily followed in the preamble by a delusive economical proposition, and in practice by measures hostile to the very freedom they profess to defend.

"It is an incontrovertible truth," continues the preamble, "that those who do not labour to produce are supported by those who do; and it is

therefore obvious that those who are thus supported will and do, through the impulse of self-interest, endeavour, by every possible means, to decrease the just demands of the manufacturer or producer."

Without stopping here to enquire what class it is in America which does not labour to produce, let us reverse the proposition of the 'Trades' Union—perhaps it will be difficult to discover "which is the justice and which is the thief." A capitalist might put it thus :

"It is an incontrovertible truth, that those who do labour to produce are supported by those who do not ; and it is therefore obvious that those who are thus supported, will and do, through the impulse of self-interest, endeavour, by every possible means, to increase the unjust demands of the manufacturer or producer."

But this is on both sides a mere jingle of words, without any possibility of practical application. A combination of persons may, for a period, throw the community into confusion, and the combinations in question have done so, and in many instances they have nominally accomplished their object in an appreciation of prices and a diminution of the period of labour, but they *ipso facto* drive the remainder of society into a counter-combination, which neutralizes the anticipated effect. The instant the capitalist finds his tradesmen's bills increased ten per cent. he adds ten per cent. to his rents, the pedlar does the same thing with his pots and pans, the farmer with his mutton and turnips, and the 'Trades' Union is just where it was. The members of that body thought to avoid this result by claiming, in the first instance, to diminish the hours of labour instead of raising wages. It was a stupid notion in them to suppose that they could pay for a week's food with five days' labour, and live as well as they did before. They had a perfect right to have two holidays in a week instead of one, (the authorities of Philadelphia were censured, as we think unjustly, for yielding to the demand,) but they were short-sighted not to perceive that it was a privilege which others would insist on enjoying with them. The farmer would only give his five days for their five. The master mechanic made up his loss out of the consumer—the consumer in turn came back upon the journeyman. Struggle as they would, they could not claim the protection of the magic circle without remaining in it. An advance upon poultry was just as surely the result of an advance upon shoes as the latter was of an abridgment of labour. Nobody would give twelve for ten. That era in the history of barter has not yet come, and we doubt if the 'Trades' Union will live to see it. Thus far the result of their schemes to society was a certain degree of confusion and embarrassment—to themselves diminished employment and

increased expenses. The next step was the demand of an advance of wages on the plea of a depreciated currency, which depreciated currency is nothing more than another name for an advance in prices, caused by an endeavour to force the community to pay as much for five sixths of the mechanical labour of the country as they formerly paid for the whole. This is the power which the members of the 'Trades' Union contend is "guaranteed to them by our constitution and by the glorious declaration which our fathers made," and which they consider it their "sacred and imperious duty to enforce at every peril and by every means." It is somewhat inconsistent, it is true, with our old notions of equal rights; but we are getting accustomed to new and strange constructions. In time we shall no doubt become learned in privilege and prerogative, and as humble citizens labouring to live, lay up, not our tithe, but our sixth, or if the 'Trades' Union require it, the half of our earnings, proud and happy to place it at the disposal of those who labour so hard to—"produce." We shall listen reverently in the public squares to Scotch harangues upon the rights of American tradesmen, or perhaps walk at humble distance in sight of some procession, headed by a Manchester philanthropist whose "fire-new stamp" of citizenship lacks yet four years and eleven months of the clerk's sign-manual, and whose compatriot myrmidons lour with indignation upon the unlucky native who in spite of inquisition and denunciation dares to interpose a day's work at an unauthorized price, between his children and starvation.

As at present advised, however, we protest against the introduction of such foreign commodities as 'Trades' Unions into the United States. They should be absolutely contraband, and the penalty of smuggling attached to their importation. They are the production of other soils, and are fostered under other influences. We have heard of countries in which "natural rights" seem all that existing institutions have left to the unfortunate victims of over-supply and a fluctuating market,—where manufacturing man vibrates, from his crib to his coffin, between oatmeal salted and oatmeal saltless—where political economists reckon him in the same category with a spinning-jenny, and ministers view him only with an eye to the poor-rates or the estimates for the home service. His straw, his rags, and his porridge, are computed to "the tenth part of a hair." Such a man's right of rebellion can be contravened by no law save that of the strongest. He is an outlaw with the *caput lupinum*, gaunt and grisly, on his shoulders. The society in which he lives has found or made him a sacrifice to the pride and ambition of its rulers; to the grasping spirit of conquest and the vain magnificence of the crown and the

hierarchy. Why should he endure it through a life of slavery, like the Elæan misanthrope, feeding upon his own vitals? Penury and despair are not bound to ask questions of casuistry.

But what has all this oppression or the remedy for it to do with America? The very person above alluded to, if chance or charity give him ferriage across the Atlantic, ascends almost at once from his servitude and squalor to the freedom of the republic and the rights of a citizen. His iron chain is broken, and centuries in this limitless and productive country cannot replace it. He is the adopted child of the laws—let him forget his old grievances and unlearn his old remedies. We did not inflict the one—we will not tolerate the other. If he, and those who have imbibed his doctrines, may combine for one illegal purpose, they may do so for another; if they may regulate the price of labour, they may enact a sumptuary law; if they may dictate opinions they may interfere with practice. At present they are content to place their mark upon a refractory workman or an independent employer—to dog the steps of the one, or plant a sentry at the door of the other. Anon will appear more potent sanctions and more effective penalties. *Nous ne sommes encore qu'au premier pas.* The price of disobedience may be blood as well as money. No free man, with a just sense of his own rights, will long submit to a conclave whose decrees are founded on denunciation and secret accusation—no community can tolerate such a society in its bosom. It is not only anti-republican but anti-social.

There is neither hope nor security for a popular government if the sovereignty of the laws be not enforced. It is possible for a time, in a monarchy, to keep society together by means of motives derived from fear or favour, notwithstanding an apparent infraction of compact or enactment. Disorder has no such remedy in a republic, because the impulse is all in one direction. There the recorded expression of the general will should never be allowed, for an instant, to bend before partial influences or local passions; or if inevitably it yields for a time, its first employment should be, on gathering up its energies, to execute its penalties. Else it is a contemptible effigy, no matter how terribly it affects to frown in brass or parchment. The sooner the issue between law and license is made up and settled, the better for all parties and on all accounts, because the sooner will men know how to provide against future contingencies, or to submit to absolute and overwhelming necessity. If we are to be exposed to the inroads of unprincipled radicalism, the earlier the orderly begin to bury their possessions and fortify their homes, the more harmless will be the struggle. If, on the contrary, as we glory in believing, there is a principle of cohesion in modern society (the clear and great result of much experience, many sacrifices,

and advancing knowledge,) which will preserve us from the dominion of "the sensual and the dark," the selfish and the ignorant, then for the sake of those whom their designs may mislead, we also pray that the contest to be short may be soon. "The cankers of a calm world and a long peace," are but beginning to infest us—idleness and discontent, the satellites of political agitation, are yet seen only in the distance—the balance and the bandage are still in their places, and Justice has another implement, should an effort be necessary to keep them there. It is better in her hands than in those to which she has been sometimes forced to resign it in the turmoil of civil commotion ;

—————"Gladii cum triste minantes
Judicium insolita trepidum cinxere corona."

The great warrant for the security of American institutions, must ever be found in the inviolability of property. The day has gone by when life or liberty were in peril from perverted law or arbitrary will. There is a *habeas corpus* even now around almost every sceptre in Christendom. The hereditary hangman rejoices in a holiday. Here at home we have happily never felt the want of the one, or the presence of the other. The progress of civilization and knowledge has made it impossible that we ever can. But it is not to special enactments, the mere ink and paper of the statute-book, that we look for the protection of private possessions ; with only such guarantees they would be respected but until the moment when some stirring appeal or temporary emergency made it expedient to invade them—needful or not, the first storm would produce a jettison. But property here is sacred, because it is the interest of the many that it should be so ; every man has a stake in the hedge. He is rich in *posse* if not in *esse*. His very social position makes him a conservative. If he has not large possessions to guard, he has the capacity of accumulation in a country where a pair of hands are the basis of many a fortune. Appeals therefore to the poor against the rich are absolutely ridiculous in the United States. A few loose and disorderly spirits in the large towns are all that can be influenced by them. An industrious man will carve out a competency for himself, sooner than an agrarian society can cut up and divide a county, particularly if the surveyor's stakes are to be bayonets. Let those therefore who would attempt to excite a war upon property remember what they have to oppose, and that it is not only the wealth of the rich, but the energy of the enterprising, and the activity of the industrious, that they must meet and overcome—not merely the ostensible array of the community, but the *landwehr*, the potentialities which lie behind it ; those men whose labour places a roof over their heads, a chicken in their pot, and yearly

adds a field to their farm. Such persons have no time to speculate on "natural rights" and no inclination to appeal to natural law. Society encourages and protects them, they therefore have no quarrel with society. Oppressed they feel they are not, for they govern themselves. Degraded they know they are not, for they are men and citizens, *pares inter pares*. Their liberty is absolute, provided they respect private rights and the public peace. They owe nothing to clemency, nothing to magnanimity, nothing to generosity, for justice and law know no such attributes. They may be deceived for a time, but they cannot be drawn or driven into long-continued or excessive wrong. Their moral instincts are not deadened by brutifying tasks, or their cupidity quickened by the sight of luxury they can never reach. They look forward towards hope, instead of backwards on despair. Their inheritance is not a life of toil and a pauper's obsequies, but the fruits of industry protected by freedom; competence on the one side and contentment on the other.

"Hanc olim veteres vitam coluere Sabini:

Hanc Remus et frater: sic fortis Etruria crevit:

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What have such men in such a country to do with revolution, or the cant of political mountebanks, who would insensibly lead them to it? Thank heaven, the majority, the large and overwhelming majority of our countrymen, practically understand as well as we can tell them, that their hopes and those of their children are only secure, so long as they retain THE RIGHT FREELY TO ACQUIRE AND UNINTERRUPTEDLY TO ENJOY PROPERTY.

ART. VII.—*Rienzi, The Last of the Tribunes.* By the author of "*Eugene Aram*," "*Last Days of Pompeii*," &c. Philada. 1836.

Novels, in these days of book-making and book-reading, have become a very important branch of literature. In the hands of genius they are the convenient vehicles for every variety of thought and speculation. Like plays, they are pictures of human action under the influence of different motives and passions; but their form admits of greater variety, of fuller expression, and of more general application. Their delineations are more graphic and complete. In the drama we have only the dialogue—the characters speak,—we read their language and must imagine the rest. In the novel we have not only the dialogue, but a vivid description of faces and forms, of manners,

costume, and scenery. The drama resembles the naked statue,—simple, beautiful, and white; the novel, the breathing canvass, on which we behold the scene with all its accompaniments;—the wide landscape—the expressive group—the characteristic dress—the glowing colours.

It is much easier to write a successful novel than a good play. To produce the latter, requires the greatest effort of the highest powers of the human mind. It is a proof of creative genius of the noblest order, for the persons of the drama reveal themselves to us as individuals do, by what they say and what they perform. The characters must first be conceived, and the conception must be explained and made apparent, not by description, but by throwing the ideal being into the world, placing him in relation to others, and making him and them speak and act in harmony with the qualities which they are supposed to possess, and in accordance with the truth of nature. Thus to form imaginary creatures, in which the elements of humanity shall be mingled in just proportion, without incongruity, and without deficiency; to arrange their relations and their mode of acting each on the other, and simply by means of the dialogue, in a few pages, which may be read in an hour, to develop a whole world of passion, thought, feeling, and character, is a triumph of genius which has indeed been rarely achieved, but which, when achieved, commands the homage and influences the minds of men for ever.

The great object of the novelist should be the delineation of character, and human passions and motives, as influenced by circumstances and the various relations of life. In producing this, the more nearly he approaches the dramatic form, the greater will be the truth and force of his picture. In addition, he has a wide field in which to expatiate. The diversified modes of human existence are before him. He may describe the beauties of nature, the triumphs of art, and the energy of action, with all its imposing accompaniments, and in all its varied scenes. He may describe faces and forms, costume and manners, and indulge all the impulses of his imagination in the creation of ideal beauty. As the science of morals is the science of human action, with its motives and results, the incidents and characters of the story afford him, also, constant opportunities for philosophic speculation, and he may naturally and appropriately mingle with the exciting narrative, abstract truth and profound reflection; he may enforce the lesson which the events he describes are calculated to convey; explain the cause whilst he displays the effect, and combine the precepts of wisdom and the dictates of experience with the brilliant illustrations of poetry and the glowing language of passion.

Whilst the highest merit of the novel consists in the just

conception and full developement of character, by means of the language and actions of the persons represented, and requires the exercise of creative genius of the best order, its convenient form, admitting, as it does, of such a variety of effort, and embracing so many topics, has rendered it, of late years, a favourite instrument for the expression of opinion on every subject connected with moral science, and for the description of the manners and exterior of every class of society, not only of the present time, but of the past. We have had political, religious, historical, and fashionable novels. Tales of the East and of the West,—of high life and of low life,—of soldiers, of banditti, and of sailors. Every clime and every age has been ransacked to afford materials for description, and sources of interest.

At a time when books have been multiplied to excess, and mental as well as physical luxury carried to extremes, the love of excitement and the necessity for it have become remarkable characteristics of the public mind. Abstract reasoning, sober investigation and profound thought, will not now please the blunted appetites of the mass of readers, who have been long accustomed to more exciting food. To render them attractive, they must be seasoned by the *sauce piquante* of a tale of passion, romantic adventure, and poetic sentiment. The object of most writers is to be read by as great a number of persons as possible, and the agreeable form of the novel, rendered still more popular by the admirable works of Scott, has been in many cases adopted for other purposes than the mere delineation of character and of manners. Men of great abilities have used it for the expression of their opinions on a variety of topics, which, but for the causes we have mentioned, would have been given to the world in the shape of an essay or a treatise.

It has thus happened that much of the reasoning and speculation of the day is to be found in the innumerable works of fiction constantly issuing from the press, which have consequently assumed a very important station in the literature of the age. Some of these possess great merit, and though few are entitled to the praise of holding "the mirror up to nature," being deficient in the highest and best quality of a good novel, the just conception and dramatic delineation of character, yet in many are found much elegance and force of style, eloquent and impressive description, beautiful and poetic thought and ingenious reflection. These are admired and read, and live their little hour, sparkling waves in that annual stream of "new publications," which is constantly sweeping over the public mind, producing its silent changes in the land-marks of thought and the boundaries of opinion. Many pass on to oblivion, to be succeeded by the brilliant trifles of the next year. Few deserve a better fate, for it can seldom happen that a master

and advancing knowledge,) which will preserve us from the dominion of "the sensual and the dark," the selfish and the ignorant, then for the sake of those whom their designs may mislead, we also pray that the contest to be short may be soon. "The cankers of a calm world and a long peace," are but beginning to infest us—idleness and discontent, the satellites of political agitation, are yet seen only in the distance—the balance and the bandage are still in their places, and Justice has another implement, should an effort be necessary to keep them there. It is better in her hands than in those to which she has been sometimes forced to resign it in the turmoil of civil commotion ;

—————"Gladii cum triste minantes
Judicium insolita trepidum cinxere corona."

The great warrant for the security of American institutions, must ever be found in the inviolability of property. The day has gone by when life or liberty were in peril from perverted law or arbitrary will. There is a *habeas corpus* even now around almost every sceptre in Christendom. The hereditary hangman rejoices in a holiday. Here at home we have happily never felt the want of the one, or the presence of the other. The progress of civilization and knowledge has made it impossible that we ever can. But it is not to special enactments, the mere ink and paper of the statute-book, that we look for the protection of private possessions ; with only such guarantees they would be respected but until the moment when some stirring appeal or temporary emergency made it expedient to invade them—needful or not, the first storm would produce a jettison. But property here is sacred, because it is the interest of the many that it should be so ; every man has a stake in the hedge. He is rich in *posse* if not in *esse*. His very social position makes him a conservative. If he has not large possessions to guard, he has the capacity of accumulation in a country where a pair of hands are the basis of many a fortune. Appeals therefore to the poor against the rich are absolutely ridiculous in the United States. A few loose and disorderly spirits in the large towns are all that can be influenced by them. An industrious man will carve out a competency for himself, sooner than an agrarian society can cut up and divide a county, particularly if the surveyor's stakes are to be bayonets. Let those therefore who would attempt to excite a war upon property remember what they have to oppose, and that it is not only the wealth of the rich, but the energy of the enterprising, and the activity of the industrious, that they must meet and overcome—not merely the ostensible array of the community, but the *landwehre*, the potentialities which lie behind it ; those men whose labour places a roof over their heads, a chicken in their pot, and yearly

adds a field to their farm. Such persons have no time to speculate on "natural rights" and no inclination to appeal to natural law. Society encourages and protects them, they therefore have no quarrel with society. Oppressed they feel they are not, for they govern themselves. Degraded they know they are not, for they are men and citizens, *pares inter pares*. Their liberty is absolute, provided they respect private rights and the public peace. They owe nothing to clemency, nothing to magnanimity, nothing to generosity, for justice and law know no such attributes. They may be deceived for a time, but they cannot be drawn or driven into long-continued or excessive wrong. Their moral instincts are not deadened by brutifying tasks, or their cupidity quickened by the sight of luxury they can never reach. They look forward towards hope, instead of backwards on despair. Their inheritance is not a life of toil and a pauper's obsequies, but the fruits of industry protected by freedom; competence on the one side and contentment on the other.

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spirit appears, who, like Scott or Shakspeare, stamps the impress of his mind upon an age and nation. The inspirations of genius are rare and precious. They are not mere descriptions of the transient characteristics of a people or an era, neither do they take the shape of disquisition or argument or speculation, the resorts, all these, of ordinary intellect; but they are intuitive revelations of the eternal truths of nature, exhibitions of the mysterious workings of human passion, and as such are rescued by the general admiration of mankind from the withering grasp of time, and preserved by successive generations, as their most sacred and valuable possession, to delight, to inform, to elevate, to purify and to soften the minds and hearts of men.

If universal popularity be a proof of great merit, no one certainly can deny that of Mr. Bulwer. His works are anticipated with eagerness, and widely circulated both in England and in this country. No writer of the present day has the opportunity of influencing so many minds, and as the class of readers, since the commencement of his career, has been greatly enlarged, we doubt whether there ever was an author except Scott, whose works, during his life, have enjoyed so extensive a circulation as his.

But popularity is not fame, nor is the praise of the multitude honour; and the qualities which win the admiration of the mass are not always those which secure the approval and respect of the judicious, who are necessarily a small number. The great majority of readers are incapable of appreciating the highest excellence. Prominent and striking traits, glitter of style, intense passion, wild adventure and a tale of interest, attract the attention and excite the feelings of the many, whose vision is too coarse to detect the minute touches of beauty and the delicate grace, of a work of real genius, and too narrow to comprehend its general scope and the harmony and arrangement of its parts.

A correct taste—the power of appreciating a work of genius—is the result of a good understanding, improved by cultivation. It is not therefore astonishing that productions of inferior merit often obtain great popularity. This is particularly the case with the novel which is addressed to readers of every class, and whose pliable form, facility of execution and variety of topic enable writers of second rate ability to produce a very interesting and agreeable book.

Among these we have always ranked Mr. Bulwer. He is the most popular author of the day, and we think his works afford a good illustration of our preceding remarks, and prove that a writer with but little dramatic power, false and often extravagant in his conceptions of character, and with many glaring defects of style, may yet be successful as a novelist.

That Mr. Bulwer possesses no ordinary degree of merit we do not mean to deny. In all his novels the story excites absorbing interest, the incidents and descriptions display a fertile imagination and command of language, and the philosophic speculations with which they abound, if not convincing, are at least ingenious. His delineations of manners and the exterior of society are animated and striking, and the poetry and moral of many scenes and situations of life are developed with considerable effect. He is one of those to whom we have alluded above, who have chosen the convenient and popular form of the novel, not from the instinctive impulses of genius, seeking to give form and expression, "a local habitation and a name," to the beings of its own creation, but for the purpose of uttering his opinions on various topics of moral science, and of describing the manners and spirit of society, and the influence of particular institutions, in different classes and at different epochs.

We think Mr. Bulwer much more of a philosopher than a poet. He has no creative power; and would have secured a more lasting fame, though probably his writings would have had a less extensive circulation, had he confined himself to the exercise of his reasoning faculties, and not attempted to soar into the dangerous regions of the imagination. As an essayist, as a writer on politics, ethics or history, he might have discovered truth, or at least applied it with force and effect, and produced lasting benefits to society. His "England and the English" is evidence of his powers in this way. As a novelist he will be the favourite of one generation and forgotten by the next. He will be succeeded by some new candidate for favour, equally brilliant and superficial, who will make his stories equally interesting, *describe* passion and "get up" scenes with equal effect, and sell as many editions as himself.

It is comparatively an easy thing to invent an interesting story; to imagine and describe incidents and scenes and persons, and, through many alternations of hope and fear and excited curiosity, to keep awake the attention of the reader, till the fate of those for whom his sympathies have been roused shall be decided. The novelist, however, does not trust merely to the interest of the narrative. Highly wrought and poetic descriptions of faces, forms, costume, manners, and scenery, are presented in brilliant array to the dazzled imagination; in addition, we have usually lively and pointed dialogue and profound speculation, tinged by the golden hue of poetic thought and warmed by the genial glow of romantic and tender, perhaps—for such is the modern taste—of voluptuous sentiment; reason, imagination, sense, our passions and our sympathies, are all appealed to, and we peruse the fascinating volume, excited and bewildered by the whirl of events and the glare of artificial radiance, with a confused

feeling of pleasure, like a child during his first visit to the theatre, without being able to examine and analyse the sources of our enjoyment.

We are better able to form a correct judgment after a second reading. The story and incidents are then known and curiosity satisfied; the characters are familiar and no longer dazzle us; and, deprived of the charm of novelty and of the vivid colouring which excited feeling always lends to the objects which produce it, the philosophy, the wit, the sentiment and the description assume their true form and aspect; sophistry, flippancy, feebleness and bombast, if such exist, are then recognized and excite proper disgust—whilst truth and nature, real feeling and genuine humour, are more deeply admired, because better understood.

We think that the novels of Mr. Bulwer would not reward, and that they rarely receive, repeated perusal. We do not recur to them again and again, as we do to Shakspeare and Scott, for instruction, for amusement, and for the elevated enjoyment which accompanies the excitement of ennobling and generous emotions. The reason is, that he is entirely deficient in the first great merit of a novelist—the just conception and dramatic delineation of human nature. With the interest of the story the whole charm vanishes, and the blemishes appear. His characters are not characters;—we do not recognize in them the features of humanity. We make no acquaintance with them—they excite no sympathy or interest apart from the circumstances and scenes with which they are connected—we do not think of them as of persons who have really existed, as we do of the creations of Scott, whom we know by their own words and actions, and whom we love, admire, respect, or execrate, for their own sakes, and for the qualities which they possess. Who ever remembers, or having once read, cares for the plot, the story of Scott's novels? It is only useful to develop his characters. But *Monkbarns* and *Edie Ochiltree*, *Cedric*, *Front de Bœuf*, *Rebecca* and *Bois-Guilbert*, *Fergus*, *Flora*, *Waverley* and the *Baron*, *Rob Roy* and *Die Vernon*, and a hundred others, no one can ever forget. They form part of our memories; they seem like the friends, the companions, the enemies of our youth. We have known them, heard them, seen them; felt with them and for them; laughed at their jokes, wept for their misery,—loved, admired, or hated them—and passed with them through scenes of passionate and thrilling excitement—and we return to the wonderful pages in which they live and move and have their being, with a delight that is never satiated and an interest that never dies.

Far different is the effect of Mr. Bulwer's characters. They are unnatural combinations of qualities, arbitrarily put together,

without consistency or harmony ; which refuse to amalgamate for the formation of a whole, and which therefore excite little sympathy or interest. If they are false in conception, the mode in which they are delineated is tame and weak. They are described and analysed, and their motives, and feelings, and thoughts, are explained by the author to the reader, who should gain his knowledge of them by what they themselves say and do, and by the influence which they exert upon others. Mr. Bulwer is by no means dramatic. He has indeed abundance of dialogues, which are lively and pointed, and philosophic, but not easy and characteristic. They "want the natural touch;" and are employed not so much to develop the characters as the plot, or as vehicles for the speculative opinions of the author on manners, politics, or morals, without much reference to the persons who utter them.

Next to the natural conception and delineation of character, we think the most important quality of a good novelist is graphic and animated description. It performs for the reader the service of the actors, costume, and various apparatus of the stage, and with far greater effect. By its assistance images are presented to the mind, with which to associate the abstractions of the author; the characters represented are clothed in the lineaments of humanity, and made real and life-like, and the effect of the whole is rendered more complete and forcible.

Here also Sir Walter Scott is pre-eminent. Though simple and unadorned, his descriptions are in the highest degree natural, graphic, and striking, and present to the imagination an animated picture of persons and scenes, full of life and spirit. He was a lover of nature, and familiar with all her aspects. He was an agriculturist, a sportsman, and a poet, fond of all active and manly pursuits, and could appreciate and describe with accuracy, and with the effect which knowledge of details alone can give, the beauties of scenery, the habits and appearance of animals, and the visible accompaniments of physical exertion and excited passion. As in his characters he shows us the beings which he has conceived, speaking and acting as they would do in real life, so by the truth and spirit of his descriptions he displays the same creative power, and places before our eyes a vivid and moving picture of the scenes through which they pass, which impresses us in the manner, and almost with the force, of reality. So perfect is the drawing, so magical the colouring, so instinct with life and action are the figures, that the illusion is complete; and as we read, the language of truth and nature conveys to the mind the same images and excites the same emotions as the actual scene itself would. The royal palace, the feudal castle, the baronial hall, the peasant's cottage, rise before us. The forms of men and women whom

we know, in various costumes, with the expressions, gestures, and attitudes of life, are around us ; we hear the baying of the hound and the blithe notes of the bugle,—the trumpet's blast and the din of arms, and we join in the ardour of the chase and the hot excitement of the battle.

This perfect representation of natural objects, and of the exterior of life, is in entire harmony with his dramatic exhibitions of human character, and the same quality of genius is necessary for the production of each. Both are creations according to the truth of nature, and are made to affect the mind by means similar to those which nature employs. Mr. Bulwer's descriptions are of a very different kind, and are marked by the same defects as his delineations of character. He analyses and explains passions, opinions, and motives, and the influence of circumstances and social relations, and in the same way he describes the effect of the beauties of nature, and of particular scenes and situations upon the feelings, and expatiates upon the moral and political associations connected with them. Scott excites the emotions and associations thus described, by showing us the scene itself. The one produces the cause, the other explains its operations and effect ; the one is a poet, the other but a philosopher.

In those instances where Mr. Bulwer has wandered from the accustomed and true path of his genius, and attempted a detailed and graphic description, we think he has entirely failed. His representations are theatrical, extravagant, artificial, and lifeless ; without energy, action, or the impress of reality, and are evidently "got up" for effect. His conception of that which he wishes to describe seems to be always feeble, inadequate, and tame ; and it is not the profusion of words, the harmony of periods, or an ornamented style, that can cover the deficiency. For illustration we need only refer to those descriptions in which he endeavours to place before the reader a forcible and striking picture of scenes and events ; such, for instance, as the destruction of Pompeii, and combat of the gladiators, in the same work ; the rencontre of Adrian Colonna and Montreal, the battles between the nobles and the people, and the various processions and festivals of pomp and display in Rienzi. How faint and indistinct is the impression which they leave upon the mind ; how dim, confused, and artificial, do they appear, even whilst we read them ! Compare these with the representations of similar scenes by Sir Walter Scott ; the marches and battles in *Waverley*, *Old Mortality*, and *The Crusaders* ; the escape of Miss Wardour and her father from the tide, in the *Antiquary* ; and above all, the wonderful representations of nature and life, of scenery and action, in *Ivanhoe* ; the hall of Cedric,—the hut of the merry friar,—the adventures of the bold

outlaw and his band in Sherwood forest,—the tournament at Ashby,—the lists at Templestowe and the storming of Torquilstone Castle ;—descriptions which we read a hundred times with the same breathless interest, and which for truth, spirit, sublimity, and effect, are not excelled, if equalled, by any author of ancient or modern times.

Not only are Scott's novels admirable delineations of character and manners, but their moral tone and effect is excellent and elevated, and this we think results from their truth. The persons whom he represents, inspire, like the individuals whom we meet in our intercourse with the world, the legitimate feelings of respect or detestation, by the simple and natural exhibition of qualities which they possess. Virtue needs not the embroidered robe of rhetoric to make her charming, and

“ Vice is a monster of such frightful mien,
As to be hated, needs but to be seen.”

In the pages of Scott both are portrayed in their true colours, and no one, whose moral sensibilities are of the right kind can contemplate the picture without being made wiser and better by the excitement of the best feelings and noblest impulses of his nature. We cannot bestow the same praise on Mr. Bulwer ; on the contrary, we consider the tendency of his writings to be decidedly dangerous and injurious. They are full of morbid feeling and extravagant sentiment, which frequently degenerates into sickly sentimentality. Vice and frivolity are decked out with every meretricious allurements ; and virtue, when suffered to appear, is so full of affectation, mannerism, and conceit, displays so many airs and graces, is so bedizened with finery, and so extravagant in her demeanour, that her friends scarcely know whether to recognise her as an honest woman. Hypocrisy, selfishness, sensuality, and cunning, are described as united with the greatest and noblest qualities ; they are made successful, and inculcated as evidences of worldly wisdom and high endowment, and our sympathy and admiration are claimed for the persons thus composed of such incongruous materials, who are graced with all the fascination of manner, brilliancy of wit, and powers of intellect, with which the author can invest them. Pelham, Glanville, Paul Clifford, Brandon, Mauleverer and Arbaces, are of this description, besides other philosophical knaves, coxcombical political economists, and amiable thieves, who figure as subordinates.

Mr. Bulwer's descriptions of female character and of the passion of love are generally considered, and justly, the happiest and most successful of his efforts. He has delineated, with much beauty, the softness, delicacy, and grace of the sex, and

has analysed and described the emotions which they inspire, and those by which they are affected, with the ingenuity of a philosopher, and the eloquence of a poet. We are speaking now, however, of the moral effect of his works, which we cannot think improved by those voluptuous pictures of licentious and illicit love, with which his writings abound and which it seems his peculiar delight to paint. Their beauty and eloquence make them the more injurious, and Mr. Bulwer has thrown around them all the fascinations of fancy; but they too often want the dignity and elevation of moral excellence. Even in his descriptions of virtuous passion there is quite as much sensuality as sentiment, and they do not excite our interest and sympathy like the representations of generous, elevated, and manly feeling, of soft, womanly, and pure affection, which delight us so much in Scott.

We are no admirers of Mr. Bulwer's style. It has occasionally both vigour and beauty, but is more frequently turgid and artificial. It is full of false ornament and rhetorical effort, and wants the simple elegance which springs from purity, the graceful ease which comes of strength, and the transparent perspicuity which is the result of accurate thought.

We have placed at the head of our article, as an excuse for the foregoing remarks, the title of Mr. Bulwer's late work. It is marked with all the characteristics of the author of *Pelham*. It is an historical novel; and here again we are reminded of Scott, who has so admirably embodied the spirit, whilst he has painted with such graphic power the manners, of the past. There is perhaps no task more difficult even for the highest genius, than an attempt to represent human character under the influence of institutions, habits, and circumstances different from those which the writer has himself observed; to form a consistent and harmonious whole, from the uncertain and scattered hints of history, and to revive the men and women, opinions, manners, and passions of an age deeply buried under the accumulated mass of centuries. Shakspeare and Scott have done this, and they alone. With a power of induction which appears intuitive, from a few given facts they have inferred qualities, and described characters and scenes in harmony with them; have seized and stamped upon their works the spirit of the age, and represented the persons and events of history with the truth and individuality of life itself. It is impossible to read them without being convinced that the moral features, the passions, sentiments, and modes of thought are such as actually existed, because from the instinctive faculty which man has of recognising his own nature, we feel that under the circumstances such *must* have existed. This is peculiarly true of the Roman plays of Shakspeare. We always think of

them as the true records of the persons and events of the period to which they relate. They are instinct with the spirit of antiquity, and with the spirit of life and nature also, and we read them with the same conviction that they represent to us the characters, thoughts, and passions of the times, which the traveller, who walks through the streets of Herculaneum or Pompeii, feels, that he is surrounded by the temples, the palaces, the domestic homes and household utensils of a people long since past away.

The era which Mr. Bulwer has chosen for the scene of his novel is one remarkable and interesting in many respects to the student of history; not rendered so indeed either by Rome or Rienzi, for the one was utterly degraded and had ceased to be in any sense the seat of empire, and the other was a transient and unsubstantial pageant, whose career was without dignity and without result, but by the great moral and political features of the time.

The different kingdoms and states of modern Europe are composed of fragments of the Roman empire; the ancestors of their inhabitants were those barbarians, who, issuing from the forests of the north, crossed the frontiers so long sacred, but no longer impregnable when courage and skill had ceased to guard them, and burst upon the rich plains below, covered with the results of industry; sweeping before them the accumulated wealth and magnificence of ages, destroying whatever was destructible, and almost exterminating the degenerate inhabitants, who, debased by centuries of servitude and luxury, wanted energy to defend their possessions or their lives. Old institutions, habits, and opinions, whatever remained of art or literature, was annihilated; a new people, fierce and ignorant, was introduced; society returned to the savage state, and civilization was commenced anew. The progress was slow but steady, for the conquerors were of a generous race, and ere long displayed "the mettle of their pasture;" and amid the anarchy and confusion, amid the chaos of discord and crime which immediately followed their success, order and regularity began gradually to appear; the elements of social knowledge were revived; men, as they felt the necessity, united for mutual assistance and protection, and the heterogeneous mass slowly crystallized into forms of government and separate communities.

It is during this period of darkness and barbarity that we must look for the first operation of those causes which have produced the civilization of our own times, for the first dawning of that knowledge whose radiance is now so bright and diffused, for the sources and origin of the opinions, prejudices, customs, laws and principles of government which influence or control the social and political condition of modern nations.

Italy was peculiarly fortunate in these times of change and mental development, in being the first to feel the beneficial influence of the causes of improvement then in operation ; and the situation of that country during the fourteenth century merits particular attention. The tumultuous flood of the crusades had passed over it, leaving fertilizing deposits, though carrying desolation to more distant lands. The sources of wealth and knowledge which they were the means of opening, gave stimulus and impulse to the energies of mind ; industry and enterprise were excited by the prospect of a rich reward ; navigation and commerce were improved and extended, cities were built, and rose to opulence and grandeur, and with the increase of trade and the accumulation of wealth, came the spirit of liberty and the love of letters.

Whilst Pisa, Genoa, Milan, Venice, and other cities of Italy were increasing rapidly in extent and magnificence, whilst their inhabitants were becoming rich and refined, and were living under the protection of equal laws and regulated government, the people of Rome, unaffected by the causes which gave such spirit and energy to improvement around them, remained a degraded, turbulent and brutal populace, alternately tyrants or the victims of tyrants, and as base and cowardly under oppression as they were cruel and vindictive in the exercise of transient power. Without agriculture, manufactures, or commerce, society was divided into two classes only, the populace and the nobles. There were no middle ranks to give stability and firmness to the government, by the sobriety, self-respect and love of order, which are produced by the practice of industry, and the possession of property. In that genial climate a mere subsistence was easily gained, and the Roman people were almost entirely supported by the concourse of strangers who flocked for various objects from all parts of Europe to the papal court. From this source they were fed almost without labour, as they had been in former times by the gratuitous distributions of corn, and by the bounty of ambitious men anxious for popularity and desirous to obtain their "most sweet voices," at the elections. They possessed all the vices of idleness, with some superadded peculiar to themselves. They were proud, or more properly vain, of their name and of the glorious recollections connected with it ; of their city, the dread "mother of dead empires," august and venerable even in decay, and they still claimed for themselves the ancient powers of the people. Pride without merit, ignorance and poverty united with power, form a very dangerous combination of qualities, and Rome from the time of its final disjunction from the eastern empire to the fifteenth century, when the temporal dominion of the popes was firmly established, was the constant scene of popular

violence and outrage. The name of Roman was a term of contumely and reproach, and those who bore it were regarded with general contempt and execration as the vilest, the most cowardly and most turbulent population of Europe.

The multitude is proverbially fickle, and "the democracy" of Rome was never satisfied. It was always "reforming the constitution," pulling down or setting up forms of government and rulers according to the caprice or frenzy of the moment. Rienzi was not the only "man of the people" of that period who was raised to power by their favour and hurled to destruction by their fury. For two centuries before his time, Rome had been the scene of successive revolutions. Arnold of Brescia was elevated by the enthusiasm of the people, and afterwards burned to death amid their acclamations; they next established a sort of senate, intended as a revival, but which was in truth a burlesque imitation, of that ancient senate which governed the world; it was found productive only of anarchy, and, following the example of the other cities of Italy, the Romans sought repose under the government of a Podestà, and chose Brancalion. His administration was wise and just, firm and prudent—but it did not satisfy the people; he was deposed, imprisoned, and would have been slain but for the interference of his native city. Charles of Anjou was the next object of their choice and victim of their inconstancy. During this time the power of the popes, unsettled and disputed as it was, had some influence in the preservation of order and the protection of the state from the tyranny of the nobles and the excesses of the mob. At length, disgusted by the turbulence and insolence of the people, they retreated from the Tiber to the Rhone, and sought at Avignon the security and quiet which they could not enjoy in their own city, where their authority was contemned and their persons outraged. Deprived of their protection, and of the wealth which was attracted to the papal court, Rome became a den of robbers. The rival houses of the nobility were embroiled in constant and bloody feuds, and the wretched people were the victims of the fierce barons and their warlike followers, who oppressed and insulted them in every way with impunity. At this time Rienzi appeared. His ardent imagination had been excited by the narratives of Livy; he was fired with indignation by injuries which he had himself received; his mind was filled with romantic ideas of ancient liberty and virtue, entirely inconsistent with the spirit and exigencies of the time, and the people were ready to follow any leader who promised them escape from their misery, and vengeance upon their tyrants. He succeeded in establishing his power, but it was dependent for support upon the breath of a debased and giddy populace. He had not the calm judgment,

prudence and strength of mind necessary to retain it. The wild and visionary enthusiasm and popular arts which had elevated him, could not sustain him in the station which he had reached. He was intoxicated by the trappings and seduced by the blandishments of power, and became arrogant, vain, cruel and sensual. He wanted balance of mind, and his passions and imagination overpowered his reason; he did not possess the profound sagacity and clear forethought of a statesman, and instead of adapting his measures to the spirit of the age and the character of the people, he attempted to realize a Utopian dream and failed, as all must fail who mistake the visions of a morbid imagination for the dictates of wisdom or the inspirations of genius. His career and his schemes, all that he did and all that he proposed to do, were without the dignity, simplicity and consistency of truth. They wanted the earnestness and directness of purpose which springs from original and natural impulse, caring for nothing, thinking of nothing, but the attainment of its object. Neither that which he accomplished, nor that which he intended, was in accordance with actually existing feelings and motives, but was an attempt to revive what was for ever dead, the feelings and motives and virtues of a former period. It was not reality but imitation, and like all imitation, all moral imitation at least, was false, affected, unnatural and theatrical; ever seeking for effect, and striving to present the same appearances which its model presented whilst striving for an object, like an actor whose aim and study alone it is to exhibit the gestures, tones and expression which genuine passion unconsciously displays. Hence the pomp and state, the titles, processions and ceremonies which Mr. Bulwer so much admires, and hence too the tribune's speedy fall; for nature is always triumphant, and the operation of moral causes cannot be checked by artificial systems. He shared the fate of his predecessors, and was slain by the vile populace who had so lately worshiped him, and whom he had so greatly benefited. This was the natural and appropriate termination of his career, not only because of the baseness and fickleness of the people whom he attempted to govern, but because of the extravagance, weakness and folly of his own conduct. He treated a miserable mob as though they were Romans of the days of the Gracchi, and he behaved so absurdly, and in some cases so meanly, that had such been the case he would probably have met a similar fate, though from different causes. The popes were better politicians; soon after the fall of Rienzi they returned to Rome; in the mean time, gunpowder had come into general use; they garrisoned the castle of St. Angelo, kept the people in awe by a military force, and firmly and permanently established their power.

Mr. Bulwer has written this novel professedly with the object of giving to the public an account of the life and times of Rienzi. He tells us that his first intention was to do this in the form of a biography. We regret that he did not adhere to that project. We think he would have produced a much more interesting and instructive work. It would have possessed, at least, singleness of object and unity of character, and the nature of the undertaking would have left him without excuse for violations of truth, which is the ancient and allowed privilege of a writer of fiction. As it is, we can scarcely discriminate between the romance and the reality, and it is difficult to know what traits, characters and descriptions are intended as faithful delineations, and what as the mere inventions of fancy.

Whether considered as a work of imagination or a history, we think this production equally defective. If we regard it as a novel, it is marred by all the faults, both of conception and execution, which distinguish the other writings of its author, and it possesses but few of his redeeming merits. The plot is artificial and strained, and the incidents do not appear to flow naturally from the motives of the persons and course of the action, but are introduced merely to develop the story. This is made to depend upon two circumstances, one of which is disgusting and the other degrading. We mean the mistake which Adrian makes of the body of another woman for that of his mistress during the plague, and the infamous trick by which Nina induces Albornoze to procure the liberation of Rienzi from prison, which is entirely out of keeping with the high qualities with which she is invested, and destroys the admiration we should otherwise feel for her. The characters want life, individuality and truth, and are not developed dramatically; they are analyzed and described, instead of being made to speak and act. They do indeed both speak and act, but their language is stiff and unnatural, and is employed more for the purpose of discussing political opinions and carrying on the plot, than of displaying mental and moral qualities; and the descriptions of action, scenes and events are tame, confused and feeble; entirely deficient in vividness and graphic power, and, like the indistinct visions of a dream, or like objects seen through a mist, dim intimations rather than full portraits, produce an unsatisfied feeling even whilst we read them, and leave a faint impression which is soon obliterated. We think that all the characters and all the scenes of the work are illustrations of this remark. Nina, Villani, Irene, Adrian, Montreal, Rienzi himself, are not individual, distinct, consistent creations, with whom we have made acquaintance, and whom we know and recognize as men and women; they are merely names

given to certain arbitrary combinations of qualities, which the author has chosen to put together, and call a human being. These incongruous combinations are endued with form and feature, and are represented as speaking and moving; but their language is not the characteristic language of passion and feeling—but of a didactic essay; and their actions do not spring naturally from their motives, and are not always in harmony with the qualities they are supposed to possess.

If *Rienzi* is to be considered as a work of history, it is only another instance of what we have already noticed, the adoption of the form of the novel for the purpose of expressing abstract philosophical opinions. This, besides being inconsistent with the objects or the attainment of the highest art, is a practice liable to great abuse, since the imagination and the passions are addressed, and not the reason—and they are easily enlisted on the side of error. Mr. Bulwer says in his preface, that “it must be by very ingenious minds indeed that these volumes can be perverted to the party purposes of the day—nothing at least is further from my own wish—my own intention.” If they were not intended to serve party purposes, they are at least deeply tinged with party feelings and prejudices. It is an easy matter to discover that the writer does not belong to the conservative party, notwithstanding the “conservative moral” which he asserts may be detected in them. The “radical” is seen in every page; and though a “conservative moral” may undoubtedly be derived from the main facts which cannot be denied, that *Rienzi* was elevated by the favour of the people, that he introduced order and justice where anarchy and oppression had reigned before, and that, notwithstanding, he was by that very people deposed and killed, yet we do not think that the true inferences, the “calm and acknowledged lessons of the past,” are fairly deduced from his career and the events of the period. A partial, one-sided view is given of the times and characters. The *Rienzi* of Mr. Bulwer is not the *Rienzi* of history. His virtues and talents are magnified and exalted, his vices and follies softened and defended. Noble and generous motives are invented for his cruelty, arrogance, vanity and extravagance, and he is represented as acting solely from the impulse of disinterested patriotism and enthusiastic love of liberty. On the other hand, the vices of the nobles are proportionably exaggerated. They are all cowards or brutes, and monsters of savage barbarity, with the exception of Adrian, who, partly from love for the tribune’s sister, and partly from the convictions of a cultivated mind, comes over to the popular side. Whilst many instances of the excesses and cruelty of the barons are delineated in glowing colours, the baseness and degradation of

the people are rather intimated than described, and the pity and indignation which their sufferings and oppression naturally excite, are left unqualified by the disgust and detestation which their vileness and brutality would create. The whole tone of the work is not merely republican but democratic—the schemes of Rienzi, the principles which he adopted and upon which he acted, are stated and defended with enthusiasm, and their failure ascribed solely to the meanness and stupidity of the Roman populace and to the arts of a vulgar demagogue.

We have neither space nor inclination to discuss the opinions of Mr. Bulwer. We object to the form in which he has chosen to put them forth. A philosopher should appeal to reason and not to passion; a historian should adhere to the truth of history; a novelist to the truth of nature. "*Rienzi*" is neither simply a philosophical treatise, a history, nor a novel; but aspires, we think without success, to be a combination of all three. It wants the methodical arrangement and full reasoning which should belong to the first, the scrupulous impartiality which should distinguish the second, and the graphic power and dramatic developement of character essential to the excellence of the last. We do not admire either Mr. Bulwer's poetry or his politics; the first is feeble, artificial, and affected; and the other full of the factitious sentiment, the wild unsubstantial speculations which might be expected from so ardent an admirer of the character and schemes, the visionary enthusiasm, and secondhand patriotism of "*The Last of the Tribunes*."

We should be sorry to believe that the sentiments and opinions expressed in this work, are those generally felt and acted upon by the party to which its author belongs. We are sure they are not congenial to the hearty loyalty and rational love of liberty which have always distinguished the English character, any more than they are to the sober sense and practical sagacity of our own. It would be a mistake to suppose that the intelligent portion of the American people wish success to the radical party in England. However much we may love and admire our own institutions, as applicable to the circumstances of our country, the very knowledge which experience has given us of their nature and operation, is enough to convince all reflecting men that the attempt to introduce them into England would necessarily fail, and most probably result in a bloody revolution; in the overthrow of the established government, and the dismemberment of civil society, accompanied by all the horrors and atrocities of popular violence. Party contests are always headed and inflamed by selfish ambition, and the fires of passion once lighted, though for a transient purpose, may become a conflagration which cannot be checked. The lower classes of England, though possessing many higher

qualities, are, nevertheless, dense and dangerous masses of ignorance and brutality; ever liable to be inflamed, and hurled blazing against those venerable social fabrics, under whose ample protection a free and mighty people, the greatest which the world has yet beheld, in arts, in arms, in morals, in literature, in all that ennobles and adorns our nature, has reposed and flourished for so many ages in peace and security. From this people we are proud to have derived our origin. We owe to them our laws, our language, our knowledge, our habits, our enterprise, our energy—all that has made us what we are—all that gives us assurance of realizing the bright hopes of the future. Americans can never be indifferent to the welfare of England; whilst they are ever anxious for the diffusion of liberal principles, and the establishment of rational liberty in all countries, they do not view with complacency the efforts of selfish demagogues or of visionary enthusiasts, either at home or abroad, who, to gratify private ambition, or to realize the dreams of a morbid imagination, are willing to sacrifice the happiness of the present for the chance of obtaining something better for the future.

There are some persons whose selfishness is so great that "they will set a house on fire, an it were but to roast their eggs;" and some fanatics who regard whole generations of men as fit subjects for political experiments, and who, in order to execute their chimerical schemes, or apply their wild and speculative theories, are willing to involve a whole nation in blood. Both are equally reckless of human misery in pursuit of their objects; and whether they appear as intriguing politicians, agitators, radicals, "friends of the people," or of "the rights of man," in a country where the security of personal liberty and private property is protected by the equal administration of law, they should be regarded with distrust and suspicion by all capable of appreciating and enjoying the blessings of social order, regulated liberty, and established government.

ART. VIII.—*Reports of William Rawle, Thomas I. Wharton, and Joel Jones, Esquires, Commissioners appointed to revise the Civil Code of Pennsylvania.* Harrisburg.

The idea, that the whole jurisprudence of a country may, with advantage, be reduced to a written code, has never met much favour in the eyes of the legal profession in England or this country. Indeed they are sometimes disposed to carry this jealousy to an extreme, and oppose all measures calculated to ameliorate the crude efforts of hasty legislation. The uncandid and superficial observer is too apt to attribute this to a supposed interest in the perpetuation of abuses, which, were it necessary, might be easily shown to have no existence. Nor does it result from a prejudiced attachment to antiquated notions, nor from a fear that their past labours and studies may be impaired in value by any general and radical change either in the principles or administration of the law. It seems to arise from a consideration, to which Mr. Duponceau has adverted, that “the course of the common law naturally leads those who are engaged in its studies to take practical, rather than theoretical, views of almost every department of it.” The truth is, that lawyers, better than any other class of people, know the importance of certainty. “*Misera est servitus ubi jus aut vagum aut incertum*” has been their leading sentiment from the earliest times. However paradoxical it may seem, the common law of England, which is the basis of the jurisprudence of this country, does possess a degree of certainty to which no general written code can lay claim. This assertion is attested as a fact by Lord Coke, and his experience is confirmed, it is believed, by the observation of every one practically engaged in the administration of justice.

England has been called “the paradise of customary law.” The common law of England is allowed to be only the general custom of the realm, commencing, perhaps, originally in express legislation, ancient statutes worn out of use, but without question extending and accommodating itself to the varying and increasing wants of a growing community, and possessing a power most like “that silent judgment of the people, which tends to correct the mistakes of arbitrary legislation.” Hence its peculiar adaptation to free states, and hence, transplanted by our forefathers from England, it has found a most congenial soil in the United States.

The certainty of the common law may be traced to two main sources. One the trial by jury; the constitution of which tribunal, and its appropriate place in the system, have rendered it necessary that a clearly drawn line of demarcation should be preserved between the law and the facts of every case. Hence

the purity of the law for the most part has remained untainted by the hardships of particular cases. The other cause is the stern character of the maxim *stare decisis*, the necessity of which cannot be portrayed better than in the energetic language of Sir William Jones: "The maxim, that *nothing is law that is not reason*, is in theory excellent, but in practice dangerous; as many rules, true in the abstract, are false in the concrete; for since the reason of TITUS may, and frequently does differ from the reason of SEPTIMIUS, no man, who is not a lawyer, would ever know how to act, and no man, who is a lawyer, would, in many instances, know what to advise, unless courts were bound by *authority* as firmly as the pagan deities were supposed to be bound by the decrees of fate." Our lawyers, though they search every where for the principles to guide them, bow to no binding authority but the adjudications of the courts, and even these they narrow down to the very point of the controversy. The authority of a case is not the *reasoning* of the judges, but the *judgment* of the court upon the facts. Thus, though there be writers and judges entitled to all the veneration that could be accorded to a Papinian, and perhaps as well worthy to be called "*Juris asyllum et doctrinæ legalis thesaurus*;" we know none whose mere *dictum* is law. The principles and rules that are to govern every case, are publicly discussed by men who have made the study of the law their profession, and who naturally put in requisition all the learning and ingenuity they possess, to present that view most favourable to those who employ them. The judges, fraught with the lucubrations of twenty years or more, are the calm and impartial auditors of this public discussion, and when they decide, are expected publicly to give the reasons of their decision. These two causes of certainty have subsisted from the earliest periods, and the common law has never been without their salutary influence.

The adjudications of the courts are the evidence of what the common law is, but when these fail (as they sometimes, though rarely, do,) the eternal and perennial fountains of all jurisprudence are its acknowledged sources. Hence not certainty alone, but boundless extent, stands in bold relief among its prominent characteristics. There is no vacuum. Every interstice of the written law is filled by its principles, rules, intendment, and reason. To adopt again the language of the eminent and venerable American jurist, whose name we have already taken the liberty to use, and who has expressed this sentiment with surpassing eloquence—"We live in the midst of the common law, we inhale it at every breath, imbibe it at every pore; we meet with it when we wake, and when we lie down to sleep, when we travel and when we stay at home, and it is interwoven with the very idiom that we speak; and we

cannot learn another system of laws without learning at the same time another language." "A man may live a century and feel (comparatively speaking) but in few instances the operation of statutes, either as to his rights or duties; but the common law surrounds him on every side like the atmosphere he breathes."

To reduce this system of jurisprudence to a written code, however beautiful the idea may appear in theory, it is believed would be found in practice to conduce neither to certainty nor simplicity. The administration of justice in a great community, in its nature is not a matter that can be reduced to the level of common understanding. The rules that adjust the complicated rights of men with a paramount view to the universal good over the special hardship of any particular case, cannot be understood and applied in the most simplified form that theory can devise, unless they are made the subject of long continued and devoted study and experience. The legal profession cannot be dispensed with in any country which has preserved a trace of freedom. It is one of the surest and best safeguards any where possessed for the security of life, liberty, and property. Men know this, or they discover it whenever their private interests are at stake. In every country where the attempt has been made to render every man his own lawyer, it has failed, and in Pennsylvania especially that failure has been signal.

But the full difficulty of reducing to a code the common law cannot be appreciated without considering that equity is its inseparable handmaiden. The term is, of course, here used in its forensic and not its popular sense. Justice cannot be fully and satisfactorily administered by the common law, without the assistance of equity powers and principles in some shape or other. It is naturally interwoven with, and is an essential part of the system. The establishment of a separate court of chancery, as in England and some of the United States, is not indispensable to its administration. Nor even that the jurisdictions should be kept separate in the same tribunal, by giving the court an equity side, as in the federal judiciary. The ordinary courts of law may be clothed with every really valuable equity power, and exercise a blended jurisdiction without material inconvenience. Even where the courts of chancery have a distinct constitution from the common law courts, it is a fundamental error to suppose that a different law is administered in the one than in the other. The forensic distinction between law and equity, is in the main for the sake of convenience in the administration of justice. The rules of property—which settle the distribution of the estates of intestates—which regulate the forms and solemnities of contracts—the express provisions of the statute law—are as inflexible in

courts of equity as in courts of law. The canons of evidence, in every system equally important with the former, (for what would be the value of a certain rule of right, if the evidence by which the facts of the particular case are to be brought within its compass were fluctuating and in the breast of the judges?) are rigidly adhered to in courts of equity. The rules of interpretation, also, which are applied to ascertain the intent of the parties in their acts and contracts, and of the legislature in statutes, do not differ upon one side of Westminster Hall from those which prevail on the other. Nor, apart from these considerations, even on those matters in which it claims a peculiar cognizance, nor in moulding its remedial process to effect its object, is equity a word synonymous with *discretion without rule*. Such may have been the fact in the first scanty exercise of chancery jurisdiction, when the chancellors were ecclesiastics, and when Selden may have been justified in comparing it to the chancellor's foot. But from the year 1673, and the chancellorship of Sir Heneage Finch, whence the court of chancery dates the establishment of its jurisdiction upon a broad and rational foundation, equity has been an expansive system, with rules, principles, and precedents, both as to jurisdiction and the mode of its exercise, imperative upon the chancellors. In the language of Lord Redesdale: "Principles of decision adopted by courts of equity, when fully established, and made the grounds of successive decisions, are considered by those courts as rules to be observed with as much strictness as positive law." And indeed a very eminent English lawyer (Mr. Sugden), who has made this branch his peculiar study, has gone much further, and asserted that "there are now many settled rules of equity, which require to be moderated by the rules of good conscience, as much as the most rigorous rules of law did, before the chancellors interfered on equitable grounds." Equity then is a wise, though artificial system, built up by time and experience, whose object in general terms, may be stated to be, to assist and advance the remedies provided by law for specific wrongs—to afford a remedy for cases where there is none at law, or where the common law remedy is inadequate to the ends of complete justice—to relieve against the abuse, or to allay the rigour of the law in certain cases, but in no case to contradict or overturn its grounds or principles. The forensic difference between law and equity is principally in the machinery of the latter. Its advantages are, that it addresses itself to the conscience of the party, and draws from him the truth, which may lie solely in his own knowledge, and which it may be essential to justice to discover. Its remedies are frequently preventive, by injoining a defendant from doing that which he has threatened, or continuing that which he has begun, to the injury of the

plaintiff's right; a result which, in general, cannot be reached by common law process. But "the greatest and most useful head" of chancery jurisdiction, as Lord Hardwicke has styled it, is the power of decreeing the specific performance of contracts. It is evident that the first justice between contracting parties, where the hands of the one demanding justice are (in the phrase of the court) clean—where his contract is fair and honest, and he has done all that under the circumstances can be asked of him—and where there has been no material change in events subsequently to make it inequitable—is to oblige the defaulting party to do the very thing he has contracted to do. This, in general, cannot be done by the common law courts. With some exceptions, the most they can do is to give the injured party an equivalent in damages for the injury he has suffered, and leave him to collect it from the person or estate of his opponent:—a remedy which is often illusory, and more frequently in its nature inadequate.

The difficulties in the way of reducing to a written code, the jurisprudence under which we lie, as has been proposed by some eminent men, seem to grow out of the system. Those learned jurists who have advocated a code, cannot, for a single moment, entertain the opinion that they can make all men lawyers. If they intend that such a work shall be a mere digest of the existing law, they cannot expect it to be accomplished without error and imperfection. In determining the law upon any one point, commissioners cannot enjoy the advantages of a court, in having the question discussed before them by counsel, with their zeal and ability excited by the pecuniary interests of their clients at stake. But if it be the intention only to give legislative sanction to points which have already received judicial determination, it is submitted that the case will be made no better than it is. If, however, it is meant—either upon the basis of the old or upon a new foundation—to form another system, then we protest that he would be a bold man, who would undertake to form a code to take the place of that which we have, in the former part of this article, feebly attempted to sketch.

There is one remark worth being made in relation to the civil law. It has been a system of codes from the beginning. It has always needed too those safeguards of certainty, the trial by jury and the *stare decisis*. An examination will show, that, admitting the entire success of the principle of code-making in countries whose jurisprudential basis is the civil or Roman law, (which is done for argument's sake only,) it forms no good rule or precedent to be applied to the case in hand.

The foundation of the Roman law was, on the one hand, the Twelve Tables, and on the other, the Prætorian Edict. To

these succeeded the responsa of the jurists and the constitutions of the emperors. In the beginning of the fifth century, the legal sources are said to have been theoretically the old enactments of the comitia—the senatus consulta, the edicts of the Roman magistrates, the constitutions of the emperors, and the unwritten customs—the Twelve Tables being considered as the basis of the whole, and all later changes being referred to them as additions or alterations. Practically, however, the writings of the great jurists and the constitutions were alone consulted as authority. The writings of the jurists were very voluminous and expensive. A profound writer, speaking of this period, after remarking that the jurists, on many subjects, entertained very different opinions, observes, that “the decision of law suits in these circumstances, must infallibly have been either exceedingly difficult or unsteady and arbitrary.” It was at this period that Valentinian III. established his celebrated constitution, A. D. 426, which was intended to remedy the inconvenience. By it the works of the five jurists, Papinian, Paulus, Gaius, Ulpian, and Modestin, received the sanction of legal authority, with the exception of the notes of Ulpian and Paulus on Papinian. In points upon which there was a difference of opinion, the majority was to prevail: if equally divided the opinion of Papinian was to be taken as law, and when he was silent, the case was referred to the judge. Upon the extinction of the western empire, there were to be added to the legal sources already enumerated, the Gregorian and Hermogenian codes, the code of Theodosius II., and the separate *Novellæ*—and as even these were beyond the impaired mental powers of the age, they were soon succeeded by the edict of the East Goth, Theodoric, the West Gothic Breviarium of Alaric II., the Papian among the Burgundians, and the laws promulgated by Justinian, at first only for the Eastern empire. Such was the mass of the Roman laws:—of its character we can have little doubt, when we consider how large a portion must have consisted of the imperial constitutions, the rescripts, decrees, and edicts; or the opinions and decisions of such ignorant princes as Commodus and Caracalla upon questions of law. These were the materials upon which Tribonian and his associates were compelled to work.

About three centuries after the death of Justinian, the *Basilics* of Basilus Macido, and his son, Leo Philosophus, superseded all former publications, and were the only laws in force throughout the eastern empire till its final extinction. Indeed, it is affirmed that so entirely were the works of Justinian sunk into oblivion in the east, that among the multitude of books brought into the west after the taking of Constantinople by the Turks, not a single volume of them was found except of the

novels. As to the west, the common tradition is, that they were disused and forgotten, after the extinction of the Roman power in Italy, until the discovery of the Pandects at Amalfi, A. D. 1137. However it may be as to the works themselves, the Roman law is to be traced before that period in the municipal constitutions of Italy and elsewhere. The conquest of the Romans by the northern nations, and their consequent intermixture, gave rise to that curious system, so paradoxical to modern ears, the law of personal rights. When we assume that the law, to which every individual owes obedience, is that of the country where he lives, and that the property and contracts of every resident are regulated by the law of his domicil, it is with some degree of wonder that any other principle could ever have been tolerated in any state of society. Yet in the middle ages, in the same country, and often in the same city, the Lombard lived under the Lombardic, and the Roman under the Roman law. The Frank, Burgundian and Goth, no matter where they might be, were each living under the rule of a different system. This is strongly expressed by the Bishop Agobardus in an epistle to Louis le Debonnaire: "It often happens," says he, "that five men, each under a different law, may be found walking or sitting together." Every person lived regularly according to the law of the nation from which he was descended on the father's side. It seems to have been maintained at one time that every one might, by free choice, and without regard to descent, elect the law by which he wished to live. This Lupi has endeavoured to explode, and his opinion, which has been adopted by a modern author of eminence, is that birth determined the law, and no choice was ever allowed unless in the uniformly excepted cases of married women and ecclesiastics; and in some countries, freedmen. The composition for crimes was regulated by the condition of the injured. In other suits, the law seems to have depended on that of the defendant. The validity of unilateral judicial acts was regulated by the law of the party, as in the case of oaths and testaments. Contracts were prepared according to the law of the debtor. The whole order of succession was arranged by the law of the testator or ancestor. Marriage must be celebrated according to the law of the husband. In questions affecting the property of landed estate, the personal law of the author was the rule. Runaway slaves were subject to the law of the reclaiming master. Whatever effect this system had upon the jurisprudence of western Europe, France liberally participated in it. The Roman law however gradually lost its authority as a personal law among the Franks of the north, owing to the preponderance of Franks, and the same reason operated to produce the converse effect in the south, where the Romans, by their

numbers, had retained the supremacy. In the north, the direct authority of the old national laws ceased. Even the name of the Salic law fell into disuse, and systems merely local, *coutumes*, occupied its place. In the south, on the contrary, the Roman law continued to prevail in its old form and exclusive character. Hence France, until the introduction of the code Napoleon, was divided into two districts governed by different systems:—*le pays de droit écrit* and *le pays coutumier*.

This brief sketch has been drawn from a few authentic sources, for the purpose of evincing that the circumstances under which the codes Justinian and Napoleon were promulgated were such, that they can afford no precedent for a proposed common law code. The common law does not present that jumbled mass, which imperatively calls for authoritative order and arrangement. Nor has their principal object been attained by the codes referred to. Though, with a view no doubt to maintain its simplicity, Justinian prohibited all notes and comments upon his code, it was, soon after its revival, overladen with the commentaries of civilians, so that at the date of the code Napoleon, it was estimated that as many camels could have been loaded with law books as in the time of Justinian. A distinguished legal writer states that the present law of France is to be sought from the following sources:—1. Those portions of the old law, which the codes Napoleon have adopted: 2. The portions of the old law, upon which the codes Napoleon have no operation, and which therefore are yet in force: 3. The new law: 4. The written and unwritten law, which made a part of, or was applicable to, the *enacted* or *continued* portions of the old law: 5. Or which is applicable to it by fair argument or inference: 6. And the interpretation of the codes which has taken place since their promulgation, and which will of course continue.

But the same objections which may be conclusively made to every attempt to reduce to a code the unwritten or common law, have no application to a revision of statutes or positive legislation. The latter in every country is narrow compared with the former. Statutes are often “on a sudden penned by men of none or very little judgment in law.” They often are unnecessarily verbose, complicated in their structure, “overladen with provisions and additions,” and where many acts upon the same subject have been passed at different periods, it is not only difficult to ascertain what parts are in force and what repealed, but they are often inconsistent and irreconcilable in their character. They sometimes become worn out—the subject-matter and state of society for which they were made cease to exist—and they are dropped by general consent. To reduce this chaotic mass to something like order

and regularity—to frame the enactment in concise and yet precise language—to bring together the different acts upon one subject into one general law, fitting the parts symmetrically together, striking out all that is superfluous and obsolete, supplying what experience has shown to be needed, and remedying defects—of the advantages to result from such a labour as this, when well executed, no one, whether lawyer or layman, can hesitate. Lord Bacon and Lord Hale were both earnest in their recommendations of a frequent revision. In England and the United States it has been done both in early and later times, either partially or in general.

The first settlers of Pennsylvania brought with them from England the common and statute laws of that kingdom, so far as they were applicable to the peculiar circumstances of a new country. Statutes passed in England since the settlement and prior to the revolution, are held to extend to Pennsylvania, when recognized by acts of assembly, and where they have been adopted and sanctioned by long-continued practice in courts of justice. The judges of the supreme court, in pursuance of a resolution of the legislature, reported, in 1808, nearly two hundred British statutes as in force; and many are believed, and some have been ascertained, by express judicial decision, to be in force, which are not comprised in that report. The report itself has, properly speaking, neither judicial nor legislative sanction. No action was had upon it, and although it is a paper of great value as an expression of the opinions of the eminent men who at that time composed the supreme bench, it is not an authority. It was the recommendation of that report to the legislature to re-enact “the substance of these statutes in language suitable to our present condition;” and it is remarked that such a re-enactment “might be attended with the additional advantage of simplifying the statute law, by reducing into one the several acts passed upon the same subject.” Besides this, there has been no dearth of legislation by the provincial and state legislatures. It is said that there have been upwards of seven thousand statutes passed since 1700. While of course the great majority of these are of a private and local character, no small proportion are public and general. There is no uniform and complete edition of the statutes, so that an idea of their bulk cannot well be communicated. Many of the more ancient and valuable laws are not in print, and a complete collection up to 1800 would be a valuable accession to the library of the student of Pennsylvanian history and jurisprudence, as well as to the practical lawyer, and is an object well worthy of the munificence of the legislature. Such a work has been accomplished with public patronage in Virginia,

and it is much to be regretted that the public spirit of Pennsylvania has never seen fit to erect a similar monument.

In such a mass of statute law it is not to be wondered at if we should meet with much inconsistency and frequent evidences of ill-advised haste. What is worse, is now and then to fall upon the traces of the Vandal battle-axe. The wonder indeed is, that, with it all, there has been maintained and perpetuated so valuable a system of jurisprudence. The truth is, that the spirit of Pennsylvanian legislation has been a gradual amelioration and adaptation to her present circumstances of the rules and doctrines of the common law. Sometimes going too fast, at other times perhaps too slow, at one time leaving the high road and striking out into some new and untried path, yet still returning, though with difficulty and reluctance. This has been her polar star. The judiciary have been able and willing co-operators in this good work. It is not the face of the statute books only, but of the reports also, which reflects back the image of wise, temperate, and gradual amelioration. The judges have allowed themselves more latitude than could be assumed in England, upon the basis of that acknowledged principle of colonial law, that the first colonists brought with them only such parts of the common and statute law of the mother country as were adapted to their new condition and circumstances. Those eminently wise and humane principles of the founder, which distributed property equally among all standing in equal degree to an intestate, made lands universally liable as personal property to the payment of debts, unfettered and facilitated the alienation and transmission of property, repudiated and rejected the subtleties and intricacies of English practice and pleading, and moulded the forms and proceedings of the courts so as to administer to a certain extent the principles and maxims of equity, constantly kept in view and carried forward by the legislature and judiciary, have altogether united to preserve and improve a system, whose spirit and general character at least, if not its details, have commanded admiration and been the subject of imitation not only in many of our sister states, but even in the mother country.

By the resolutions of the legislature, passed March 23, 1830, which authorised the appointment of the commissioners whose reports are placed at the head of this article, it was made their duty in substance "to revise, collate, and digest all such public acts and statutes of the civil code of this state and all such British statutes in force in this state as are general and permanent in their nature:" "to designate such acts or parts of acts which ought to be repealed, and recommend the passage of such new acts or parts of acts as such repeal may render necessary, and generally to execute the duties confided to them in

such a manner as to render the statute laws of Pennsylvania more simple, plain, and perfect :” and also, “to report whether it would be expedient to introduce any, and if any, what change in the forms and mode of proceedings in the administration of the laws.”

In the twenty-fifth number of this Review, an examination was made of the first and second reports of these commissioners, much more in detail than can be devoted to their subsequent labours.

The third report of the commissioners bears date December 31, 1832, and contains two bills of an important though local character. The first “An act relating to counties and townships, and county and township officers,” which was passed by the legislature and went into operation September 1, 1834.

This bill is mainly a digest and new arrangement of existing provisions. It will not be denied that it contains strong evidence of industry and accuracy. Indeed it may be confidently said here, once for all, that in that most difficult and useful, yet most modest part of their prescribed duty, the revision and consolidation of the existing statute law, the commissioners have justly given very general satisfaction. The amount and complexity of their labours in this respect are not to be judged by the bulk of their production. Not a trace of two thirds of the actual expense of time and study, which are as necessary to the rejection of what may be supposed to be redundancies, as to the adoption of new provisions, appears upon the face of the reported bills. It requires an intimate acquaintance with the whole subject matter, rightly to appreciate the difficulty of the task. He only, who has been obliged to look through an extensive and confused mass of acts of assembly to find some one point, and who has experienced the doubt and uncertainty arising from the fear lest it may have been repealed by implication or by some general repealing clause, which has escaped his observation, will be able to hold the value of these bills in proper estimation. The second bill contained in this third report, is entitled “An act relating to weights and measures,” which was in substance enacted into a law, April 13, 1834.

The fourth report of the commissioners, December 30, 1833, contains six important and well digested bills. 1. A bill entitled “An act relative to the organization of courts of justice,” which was passed by the legislature April 14, 1834. Although no alteration of the then existing system was incorporated by the commissioners into the bill reported by them, they strenuously recommended the adoption of some mode, by which the labours of the judges of the supreme court might be reduced within reasonable bounds. The circuit court system, by which the presence of one of the judges was required to hold a court

in each of the forty counties of the state, if there were any cases on the docket, and at the same time to attend six sessions of the court in banc, in the course of the year, certainly left them but little time for the careful and deliberate examination of the questions coming before them, not to speak of general study, and that relaxation which every mind, however vigorous, needs, if it would long retain its energies. The legislature has accordingly abolished the circuit courts, and reduced the sessions of the court in banc, from six to five. 2. A bill entitled "An act relating to roads, highways, and bridges," being principally a well arranged digest of the existing laws, upon which the legislature has not as yet acted. 3. "An act relating to inns, taverns, and retailers of vinous and spirituous liquors" which is also a digest of the acts in force, and which passed into a law March 11, 1834. 4. "An act relating to the support and employment of the poor," upon which no legislative action has as yet been had. 5. "An act relating to county rates and levies," which became a law April 15, 1834. 6. "An act for the regulation of the militia of this commonwealth," upon which the legislature has not as yet acted. The subject indeed presents intrinsic difficulties. The constitutional obligation of the state to maintain the organization of the militia cannot be questioned. The commissioners however have expressed the opinion, that a just construction of the constitution of the United States does not require that the militia should be *trained*; and they agree in the sentiment so generally expressed by the community at large, that the *trainings*, so far from effecting their object, which is the discipline of the militia, are productive of the worst consequences to the industrious habits and good order of society. Their plan in brief is to abolish the trainings, but to give authority to the governor, whenever the state of public affairs may render it necessary during the recess of the legislature, to direct their resumption.

The fifth report of the commissioners is dated March 20, 1834, and comprises two bills. 1. "An act relating to inspections," passed April 15, 1835. 2. "An act relating to elections," which has not as yet been acted on. It consists mainly of former acts properly digested and arranged.

By far the most interesting and important of these reports is the sixth in order, bearing date January 9, 1835, upon the administration of justice. It was prepared in especial conformity with that part of the resolutions under which the commissioners acted, which directed them "to report whether it would be expedient to introduce any, and if any, what change in the forms and modes of proceedings in the administration of the laws." The report itself is well and learnedly written, and

occupies, with the accompanying bill and remarks, two hundred and forty-nine closely printed octavo pages. The commissioners certainly have not exaggerated the arduous, and it may be added, perilous character of this portion of their prescribed duties. Justice itself is most intimately connected with the mode of its administration. It is no less a principle of common sense than of universal law, that every right should have an appropriate remedy, and a remedy calculated in the most effectual manner to enforce its observance. "In reference to the order, convenience and peace of the community," as the commissioners say, "it is second to none in the catalogue of legislative duties. Upon the due administration of civil justice, that is, upon the expeditious, impartial and economical determination of questions concerning individual interests, depends, we may be permitted to remark, a large portion of the stock of individual prosperity and happiness; and with it we may add a large measure of the attachment of the people to their institutions. In every country, therefore, the task of revising the laws which concern the administration of justice, of clearing obstructed channels, opening new passages, in short, of facilitating the flow of justice to all quarters, and for all conditions of people, must be considered as of primary importance." It is a department, therefore, which assuredly demands extreme caution in the adoption of proposed reform. Where forms have become familiar and the results well understood, they ought to be retained, although they may not present the symmetry of a perfect system. The necessity should be imperative to sanction a radical change. When a fundamental principle of the law of actions is affected, the results are generally found to be much wider than at first supposed. The thirteenth section of the act of 21st March, 1806, produced many consequences that certainly could not have been foreseen; so much so, that the course of decisions upon the construction of that law is a curiosity. The substance of the enactment was a repeal of the well settled principle of the existing remedial law, that where a statute superadded a remedy in affirmative words to one already existing, it should be cumulative, and the party should still, if he preferred, prosecute his right in the common law form. Certainly up to about the year 1829, it had been uniformly held to be applicable only to penalties and criminal proceedings; as that where an act of assembly inflicted a pecuniary penalty for an offence, which was such at common law, the offender should not be subjected to the fine and imprisonment which are the consequences of a proceeding by indictment. "I am entirely persuaded," said Judge Duncan in 1820, delivering the opinion of the supreme court in a case in which the correct construction of the law was directly involved, "that the

legislature had in view penalties and actions for penalties on penal statutes and cases where, by the common law, certain acts were indictable for the punishment of which our acts of assembly had prescribed or might prescribe particular penalties and another course of proceeding, and such have been the decisions." (Rees v. Emerick, 6 S. & R. 289.) Indeed, no less than eight cases might be cited in which this doctrine has been either expressly or implicitly recognised. However, Mr. Chief Justice Gibson has attributed this construction to the reluctance with which the courts executed laws that were at one time supposed to be aimed at the profession. "Its terms," says he, "are broad and sweeping, and it is part of an act which has entirely changed the forms of proceedings in debt, assumpsit, and ejectment. Of its object, those who remember the temper of the times can best judge. But whatever may have been the reluctance of the courts then, we cannot refuse now to execute the plain mandate of the legislature." (Wike v. Lightner, 1 Rawle, 290.) It was accordingly held in that and some half a dozen other cases following close upon its heels, that the provision of the section of the act referred to, extended as well to civil as to penal and criminal proceedings. In all this and what follows, it is of course to be understood that no fault is found with the judges, either individually or collectively, for the soundness of their opinion, which we do not mean to examine, or the purity of their motives, which is unquestionable. It was their duty to execute what they conceived to be the "plain mandate of the legislature." But the blame is to be laid upon the body which passed so hasty, inconsiderate and ill-tempered a law. By the act in its wide extent, under the new construction, a large proportion of every day proceedings and judgments would be shaken. "The action against an endorser," says Judge Huston, "may be, perhaps ought to be, *debt* under the present law of the state." (Roop v. Brubacker, 1 Rawle, 309.) And again, in the same case, "Debt is the only action on a book account." There is an act of assembly which provides a remedy to enforce or foreclose a mortgage by a *scire facias* and a judicial sale of the premises mortgaged. The judges have nevertheless decided, since the new construction, that the common law remedy by ejectment still lies; but have never gone fully into the reasons of this decision, although they are reported to have said in the last printed case, (Knaub v. Esseck, 2 Watts, 282,) "that the act which provides a *scire facias* gives no remedy, where the object is not to turn the land into money"—a reason that will hardly stand the test of examination in consistency with the spirit of the later determinations; and, if it be the only one, afforded Judge Huston very good ground to say as he has done, "An ejectment can be brought

by the mortgagee. This has been decided, and I am sorry for it. It is in the face of the spirit of the act of 1705, and of the letter, and spirit both, of the act of 21st March, 1806." (3 Rawle, 160.)

Such is the history of about five lines in an act of assembly, passed with the benevolent object of simplifying the forms of proceeding, making every man his own lawyer *and lessening the amount of litigation*. It is but a short chapter in the history of the legislation of that and a few succeeding years, which would afford throughout the most conclusive, though melancholy illustrations of the necessity of exercising extreme caution in attempting radical changes in the forms of legal proceedings.

Apart from the intrinsic difficulty of the subject, there are peculiarities in the Pennsylvanian system of jurisprudence, which added considerably to the embarrassment of the commissioners. The absence of a separate court of equity, and of chancery remedies, except where they may have been specifically granted, either by the constitution or by act of assembly, at the same time the amalgamation of equitable principles with the common law in the administration of justice in the ordinary courts, and the constant and powerful struggle both on the part of the bench and the bar to adapt these principles of equity to the common law forms, were so many causes of complexity. "Local peculiarities," in the words of the report, "which cannot be melted down; the constitution of our courts, which has been often changed, and has rarely been adapted to the suitable exercise of all necessary powers; the jurisdiction of justices of the peace to try civil actions; certain legislative reforms already alluded to, enacted with the benevolent view of lessening the amount of litigation, and enabling all persons to act for themselves in the pursuit and application of remedies, but which it is believed have not produced the expected result." Besides all this, the number of the courts and the variety in the different counties in the modes of proceeding, produced necessarily by difference of circumstances between the more or less populous parts, and the apparent improbability of being able to render any general provisions equally convenient and adapted to them all, was another element in the difficulty of the work. That the result of their reflections should be entirely satisfactory to all was not to be expected. It is certainly, however, matter of congratulation, that they appear to have been deeply impressed with the perilous character of the ground upon which they were treading—that they tremble in touching the ark of justice, even when their interference seems most loudly demanded—and that they act upon the wise and cautious principle that it will be safer to mould the forms and modes of proceedings at present in use, in order to effectuate the intention of the legis-

lature, than to adopt a system altogether new and untried, however beautiful it may appear in theory.

This report comprises three bills :

I. "An act relative to the jurisdiction and powers of the courts."

The most important part of this bill is the fourteenth section, which is as follows :

"The supreme court, and the several courts of common pleas, shall have the jurisdiction and powers of a court of chancery so far as relates to,

"1. The perpetuation of testimony :

"2. The obtaining of evidence from places not within the state :

"3. The care of the persons and estates of those who are *non compotes mentis* :

"4. The control, removal and discharge of trustees, and the appointment of trustees and the settlement of their accounts :

"5. The supervision and control of *all corporations*, other than those of a municipal character, and unincorporated societies or associations and partnerships :

"6. The care of trust moneys and property, and other moneys and property, made liable to the control of the said courts :

"7. The discovery of facts material to a just determination of issues and other questions, arising or depending in the said courts :

"8. The determination of rights to property or money claimed by two or more persons, and in the hands or possession of a person claiming no right of property therein :

"9. The prevention or restraint of the commission or continuance of acts contrary to law, and prejudicial to the interests of the community or the rights of individuals :

"10. The affording specific relief, where a recovery in damages would be an inadequate remedy :

"And in such other cases, as the said courts have heretofore possessed such jurisdiction and powers, under the constitution and laws of this commonwealth.

"And in every case in which any court as aforesaid shall exercise any of the powers of a court of chancery, the same shall be exercised according to the practice in equity prescribed or adopted by the supreme court of the United States ; unless it be otherwise provided by act of assembly, or the same shall be altered by the supreme court of this commonwealth, by general rules and regulations made and published as is hereinbefore provided."

The want of these powers has been long felt by the courts. They have often been compelled in consequence to confess themselves unable to render complete justice to the suitor. With the powers which this section proposes to give, there will hereafter exist no just ground of complaint.

Lord Bacon has thrown the weight of his decided opinion in favour of the separation of the courts of law and equity. "*Apud nonnullos receptum est, ut jurisdictio, quæ decernit secundum æquum et bonum, atque illa altera, quæ procedit secundum jus strictum, iisdem curiis deputentur: apud alios*

autem, ut diversis. Omnino placet curiarum separatio. Neque enim servabitur distinctio casuum, si fiat commixtio jurisdictionum: sed arbitrium legem tandem trahet."—It is supposed that the system would be found to work better in separate courts, because the judge would then always know the precise nature of his powers, whether as a law or equity judge, and would not be subjected to the embarrassment arising from the intermingling (commixtio) of the two jurisdictions in his own person. Lord Bacon appears also to fear that equity would swallow up the law. But in his time the same definite ideas of the character and extent of equity powers were not entertained as now. The question, however, is one upon which eminent jurists have differed. A judge of the supreme court of Pennsylvania has said, speaking of the mixed jurisdiction of the courts: "I do not consider it a defect in our judicial system—nay, if the power of granting injunctions, of sustaining a bill for discovery and of directing specific performance, at the same time imposing proper terms on the other party, were granted to our courts, I would say our system is preferable to that of England, or of those states where the two courts are kept distinct." The commissioners have devoted a few pages to an examination of this question, and have come to the conclusion that it will be safest to retain this mixed jurisdiction, and that the same course ought to be pursued with respect to the *residuum* of equity powers proposed to be granted, "that is, to give the necessary relief whenever it can be done by the convenient application of some familiar common law remedy, or by the revival of some one that has become obsolete, and whenever full and complete relief cannot be obtained by such process, to resort, without hesitation, to the methods of the chancery courts, and employ them, either as we find them or in a modified shape, as we have done heretofore, in useful and harmonious co-operation with those of the law."

The four first items in the proposed grant of chancery powers are not new, but have been long possessed and exercised by the courts, either directly under the authority of the constitution, or by virtue of various acts of assembly in modes much conformed to the practice of the court of chancery.

The fifth and sixth items have never been possessed, and the absence of them has been deeply felt in Philadelphia, and must be so in every commercial city. That portion of the jurisdiction of the chancellor, which he exercises over corporations, unincorporated bodies and partnerships, is of the most beneficial character. By common law process their mismanagement cannot be reached till the mischief be done, and in most instances irreparably done. Let us take the instance of an ordinary mercantile partnership. The association is formed,

with or without written articles, either indefinitely or for a limited period. One of the partners misbehaves and pursues a course of conduct which threatens to involve the whole firm in ruin. He possesses singly, by virtue of his general authority as partner, the power of binding his associates to any amount. He raises money on their credit, or with their joint property, for his own private purposes. The most under the present system that can be done, is to circulate and publish a dissolution of the firm. But the defaulting partner, as often happens, has possession of the joint effects. They cannot be recovered from his possession at law. He has as good a *legal* right to the possession as the others. They may sue in account render, or for damages for the breach of the original articles. A suit at law is at best tedious. No security can be had but for his personal appearance to answer the final judgment. In the mean time, he may waste or dispose of the goods, and spend the money or pay his own private debts with it. On the other hand, a court of chancery will interfere in the very first instance, and restrain a partner from accepting or negotiating bills of exchange, or from engaging in other transactions, for or in the name of the partnership, except for partnership purposes. And it will likewise interfere when a breach of any of the covenants contained in the articles of partnership has been committed, if the breach be so important in its consequences as to authorize the party complaining to call for a dissolution of the partnership. If a dissolution be decreed, the course adopted is for the court to appoint a receiver, who immediately takes possession of all the joint effects, collects the outstanding credits, disposes of the property to the best advantage, and brings the whole into court, where, under the control and supervision of the chancellor, it is equitably distributed among creditors and partners, according to their respective rights. The contrast shows too strongly the advantages to result from the discreet exercise of the proposed power to need any comment. It is still more imperatively demanded in the case of corporations and unincorporated societies, which are springing up in numbers around us. The mismanagement of their funds may proceed to an indefinite length, to the utter ruin of hundreds of the worthy and laborious poor, who confide their hard earnings to their care, unless there be a hand strong enough to hold them by a tightened rein. "What is wanting," say the commissioners, "is authority to restrain their proceedings, when the continuance of them would be prejudicial to the interests of the creditors, or of the members; to appoint receivers to take charge of the funds and protect them from misapplication; and to distribute their assets among creditors according to

the rules established in the case of the insolvency of individuals." It is not however meant by the commissioners to give any court that extensive and ill-defined jurisdiction possessed by the lord chancellor of England over the direction of charities, when either corporations or others are entrusted with their administration. As this jurisdiction is and has been long exercised, it is certainly monstrous. On the principle, that where the intention of the charitable donor is illegal or impossible to be carried into effect, it should be accomplished as near as may be, the strangest perversion of funds from their original object has taken place. The sound rule in such cases appears to be, that where the general objects of the testator's bounty are clear, and the mode prescribed of carrying them into effect, plainly appearing to be but subordinate and secondary, should on any account be impossible, there the general object shall still be attained in the mode which comes nearest to his mind as it can be ascertained; but that in other cases, and where it is at all doubtful whether the course intended to be pursued would fall within his general and primary intention, that there the fund should lapse for the benefit of the heirs or residuary legatees. The commissioners have wisely left the subject upon the footing on which it at present stands, without any proposed alteration, giving it however as their opinion, that no court in Pennsylvania possesses the power of interfering *à priori*, and directing the application of trust funds, although their general control over trustees and trust property already or proposed to be conferred, will come sufficiently near such a power for all beneficial purposes.

As to the seventh item—the discovery of facts, &c., we will let the commissioners speak for themselves.

"It has already been shown, that the power of compelling a discovery from parties, has been given to our courts: 1. In the case of *garnishees* in foreign attachment: 2. In the case of *lost deeds*: 3. In the case of *stock* held in a corporate body, in the name of a third person: 4. In the case of the accounts of *assignees*: 5. In the case of suits against *corporations* to discover their property. To which may be added, 6. The power of compelling the production of books and papers, given by the act of 1798: 7. In the *Orphans'* court, the power of compelling answers in the case of executors, administrators, and guardians. And analogous to this, is the power of requiring answers upon oath by persons applying for the benefit of the insolvent laws.

"It remains to be considered whether this power ought to be enlarged, so as to embrace the whole sphere of litigation; namely, to compel discovery in all cases from parties to a suit, when, by the rules of equity, they may be required to answer. We think that there is no substantial reason in the way of our adoption of this practice.

"The march of justice is often interrupted and sometimes defeated in our courts, for want of this important aid; and although there is alleged to be danger of perjury, we think that the experience of the courts of equity proves that this is very small.

"Under the restrictions, and with the exceptions with which it is exercised in the English chancery, we cannot but think that it will be found a very useful addition to the means possessed by our courts of doing justice, and therefore that it is proper to introduce it into our system.

"The commissioners appointed by the British government to enquire into the practice of the courts of common law, have proposed to give those courts power to examine the parties in all cases upon interrogatories as an equivalent to the bill of discovery. It is our intention to submit a bill providing for means of compelling disclosure by one of these methods."

The eighth item relates to the determination of claims to property in the possession of a person pretending no interest. This is effected through the operation of a bill of interpleader, "which lies in every case in which a person is in the situation of a depository or a stakeholder, and, by a very simple method of proceeding, relieves him from further responsibility on his bringing the money or property into court."

The ninth item provides for the prevention or restraint of injuries. Upon this head the commissioners say :

"It is here that the powers of the courts of equity appear to possess a decided superiority over those of the courts of common law, and that instances most frequently occur of defects in our administration of justice. The principal cases in which the court interferes by its writ of injunction to prevent or restrain the commission of acts injurious to others, are—1. In case of *nuisances* : 2. In case of *trespass* : 3. In case of *waste*.

"In all these cases the power is most important and valuable. Indeed no system of justice can be considered to be complete without the means of prevention and restraint. In the case of *waste* our courts have been invested with powers to the fullest extent, and there appears no reason why they should not be extended to the other cases mentioned. It will be seen that in the bill relating to estrepement we have suggested a method of restraining the commission of trespass on lands in certain cases."

The tenth item respects affording specific relief where a recovery in damages would be an inadequate remedy. When the contract is for the delivery of a chattel, the action of replevin which has been extended in this state to all cases where one man claims property in goods which are in the possession of another, and is not confined, as it is in England, to the case of an unlawful taking, the peculiar nature of this remedy, which lays hold on the thing itself, and gives the plaintiff either the possession or security for its forthcoming to the amount of its value, appears to answer all the purposes of a chancery proceeding.

With respect to land, the action of ejectment has always been an equitable remedy, and not only may land be recovered upon an equitable title, upon the principle that our courts will consider as already done whatever a chancellor would decree to be done, but the same result may be often attained in an action

upon the contract of sale through the medium of a conditional verdict. By the annexation of the general chancery power "it is not intended," say the commissioners, "to dispense with the accustomed proceeding by ejectment, but merely to increase the number of remedies designed to supply the place of the bill for specific performance."

The next bill reported by the commissioners, is entitled "An act relating to the commencement of action." Full as it and the subsequent reports and bills are of provisions of great practical importance, we must content ourselves with enumerating them without a consideration of their details.

The seventh report is dated March 28, 1835, and comprises four bills, none of which have been acted upon. 1. "An act relating to lunatics and habitual drunkards." 2. "An act relating to assignees for the benefit of creditors, and other trustees." 3. "An act relating to domestic attachment." 4. "An act relating to writs of quo warranto and mandamus."

The eighth, or as it may be termed supplemental report, (for it was made after the last extension of time allowed the commissioners had expired,) is dated January 4, 1836, and is accompanied by seven bills. 1. "An act relating to the liens of mechanics, and others upon buildings." 2. "An act relating to the attachment of vessels." 3. "An act relating to bonds with penalties, and official bonds." 4. "An act relating to the action of replevin." 5. "An act relating to reference and arbitration." 6. "An act relating to executions." 7. "An act relating to insolvent debtors."

The commissioners, also, during the session of 1833-4, made a special report on the subject of the law in relation to factors—and their accompanying bill was passed April 14, 1834.

Notwithstanding the expiration of their term of office without a renewal, the commissioners in their last report say: "Should the legislature desire it, we shall feel great pleasure in laying before them at such intervals as our duties and business will admit, the result of our labours upon the remaining portion of the civil code."

Though in a detailed review of the revised code, some particulars might be enumerated, in which the commissioners appear to have lost sight of the just and cautious principles with which they set out, yet on the whole, there is every reason to be satisfied. Pennsylvanian jurisprudence has received an improvement from their labours and suggestions which will long be felt, and it is hoped acknowledged. Indeed nothing else could have been expected from the character of the gentlemen composing the commission. Of the living perhaps it would be unbecoming to speak as we might feel inclined. Not so, however, of the venerable head of the commission, upon

whose life death has now placed its seal. For more than half a century, he had been practically engaged in the administration of the law, and a close observer of the legal polity of Pennsylvania. To the opportunities afforded during that period by a very extensive practice—by intimate personal intercourse with the distinguished men, *quorum pars magna fuit*, who laid the foundations and reared the superstructure of the juridical system, during what may be termed the Augustan age of the bar of the state—he united extensive reading, profound and cautious study, habits of industry and research early acquired, and a sound and vigorous judgment. Belonging to the older school, and with experience and qualifications such as have been adverted to,—that he should have viewed sudden and radical revolutions with distrust, and imparted a cautious spirit to the labours of his associates as well as his own, was naturally to be expected—and the disappointments which may at times be experienced at the exhibition of a contrary principle, are far more than overbalanced by the many causes of felicitation which arise from this source.

ART. IX.—1. *Miscellaneous Sonnets.* 2. *Sonnets dedicated to Liberty.* 3. *Ecclesiastical Sketches.* 4. *The River Duddon; a series of Sonnets.* 5. *Sonnets in the volume entitled "Yarrow Revisited, and other Poems."* By WILLIAM WORDSWORTH. *The Poetical Works of William Wordsworth, complete in 1 vol. 8vo. Philadelphia, 1836.*

It is matter of familiar observation, that the success of literary productions is sensibly dependent on the forms in which they are presented. In the domain of English poetry, there is a section to which we think justice has not been done: its quality is not held in very high repute, and the title to it is regarded as somewhat doubtful. We refer to that form of metrical composition which is denominated the sonnet. To prove that it has not found favour always even in the eyes of those who have cultivated a taste for other forms of poetry, we would venture to ask them whether, when they have met with its modest structure, they have not generally passed it carelessly by. Beside, in the minds of those who do not entirely neglect it, there may be detected a peculiar feeling, aptly to be described as unkindly; they regard it not with the look that a man gives to his own kin and countrymen, but with that which is cast

coldly and doubtingly upon a stranger or foreigner. While the sonnet is read, an *un-English* feeling is found to be creeping about the heart, and the fancy is filled unconsciously with thoughts of Petrarch, and images of Laura and the Vaucluse. While its melody is falling on the ear, we are too often overtaken with a kind of misgiving that we are listening to the rich music of indeed our own mother tongue, but tuned to a strange note—that we hear its glorious words uttered through a foreign instrument. This is not as it should be. The muse of England should not stand a suppliant or a vassal any where. She holds in her own right, or she holds not at all. So far as literature is concerned, we are, by our calling, guardsmen of English rights and English merits; and as the form of poetry in question seems to be regarded as not having yet worked out its independence, it is our present purpose to undertake its vindication. We proclaim at the outset that we acknowledge no allegiance—we own no homage—to the Italian. Our literary territory is held absolutely, or it had better be relinquished entirely. There is too much Saxon blood in our veins to bide content on a divided soil or under a feudal tenure. It may be shown that the sonnet is a form of poetry fairly introduced into the literature of England, fully sustained, and now, without reserve or qualification, by the law of letters it is our own. We propose therefore to say a word, and if need be to strike a blow, for our English title and our English fame in this province of poesy.

Before advancing further, the looseness in the acceptance of the term “sonnet,” in consequence of its application to several different forms of poetry, demands some attempt to ascertain its true use or at least to give it some precision. The most obvious property, which is common to the sonnets of all countries, is its limitation to fourteen lines. With the exception of some of the earliest English sonnets, and those of not much merit, which extended to eighteen lines, this may be said to be universally true. It is composed of four parts, two quatrains and two tercines, which are usually indicated by the typography in the foreign sonnets but not in the English. Rhyme is also an essential property, and it is to it that the different varieties of the sonnet have reference: the lines are of equal length and the measure iambic. The form which is considered as especially entitled to the name, is that which is framed after the Italian sonnet—the Petrarchan model. In this the rhymes are repeated at certain intervals so as to produce a recurrence of the same closing sound, and it is this property which seems to suggest the origin of the name itself. The arrangement is such, that in fourteen lines there are but five, and sometimes not more than four, several rhymes. We are fearful of making ourselves dis-

agreeable by the technicalities of prosody. By means of a specimen, we may accomplish our wish of conveying an idea of the general structure of this variety of the sonnet much better and certainly more agreeably. In quoting with this view Mr. Wordsworth's sonnet composed upon Westminster Bridge, we did not intend to be diverted from the mere consideration of its metrical character. We cannot however refrain from asking the reader to recall his feelings when he has happened to pass along the streets of a city yet in its slumbers, and unless our own deceive us, he will find, we think, an echo to them in the following specimen of the metre of the sonnet :

"Earth has not any thing to show more fair :
Dull would he be of soul who could pass by
A sight so touching in its majesty :
This city now doth like a garment wear
The beauty of the morning ; silent, bare,
Ships, towers, domes, theatres and temples lie
Open unto the fields, and to the sky ;
All bright and glittering in the smokeless air.
Never did sun more beautifully steep
In his first splendour, valley, rock, or hill ;
Ne'er saw I, never felt, a calm so deep !
The river glideth at his own sweet will :
Dear God ! the very houses seem asleep ;
And all that mighty heart is lying still !"

In this form the poem is cast by those who have implicitly revered the ancient landmarks. It is the most usual form of the Spanish and Portuguese, as well as the Italian sonnet. The English poets, with Shakspeare as a leader, have with a characteristic temper claimed greater freedom. This appears in several different structures of the poem, in which the variety is effected in some by a different distribution of the rhymes, and in others by increasing the number of them to six and seven, but not attaching them throughout to consecutive lines. The following, selected from the same poet in order to avoid distracting attention to other points of comparison, may serve as specimens of some of these varieties :

"The shepherd, looking eastward, softly said
'Bright is thy veil, O moon, as thou art bright !'
Forthwith that little cloud, in ether spread,
And penetrated all with tender light,
She cast away, and showed her fulgent head
Uncovered ;—dazzling the beholder's sight
As if to vindicate her beauty's right,
Her beauty thoughtlessly disparaged.
Meanwhile that veil removed or thrown aside,
Went floating from her, darkening as it went :
And a huge mass, to bury or to hide,
Approached this glory of the firmament ;

Who meekly yields and is obscured ;—content
With one calm triumph of a modest pride."

The following specimen may be noticed, by the way, as presenting a striking instance of the combined action of reflective and imaginative power.

"In my mind's eye a temple, like a cloud,
Slowly surmounting some invidious hill,
Rose out of darkness : the bright work stood still
And might of its own beauty have been proud,
But it was fashioned and to God was vowed
By virtues that diffused, in every part
Spirit divine through forms of human art :
Faith had her arch—her arch, when winds blow loud,
Into the consciousness of safety thrilled ;
And Love her towers of dread foundation laid
Under the grave of things : Hope had her spire
Star-high, and pointing still to something higher.
Trembling I gazed, but heard a voice—it said
Hell gates are powerless phantoms where we build."

The recently published volume of poems by Mr. Wordsworth contains a number of sonnets showing his talent in unabated vigour.

TO THE PLANET VENUS, AN EVENING STAR.

Composed at Loch-Lomond.

"Though joy attend thee orient at thy birth
Of dawn, it cheers the lofty spirit most
To watch thy course when day-light fled, from earth,
In the gray sky hath left his lingering ghost
Perplexed, as if between a splendour lost
And splendour slowly mustering. Since the sun,
The absolute, the world-absorbing one,
Relinquished half his empire to the host,
Emboldened by thy guidance, holy star,
Holy as princely, who that looks on thee,
Touching, as now, in thy humility
The mountain borders of this seat of care,
Can question that thy countenance is bright,
Celestial Power! as much with love as light?"

One word more on this subject of definition before we leave it. Some one perhaps may seek to resolve his doubts on the acceptation of the term "sonnet," by that innocent-hearted method of looking into the dictionary. In the folio edition of Johnson's, he will find the following definition: "*Sonnet*, a short poem consisting of fourteen lines, of which the rhymes are adjusted by a particular rule. It is not very suitable to the English language, and has not been used by any man of eminence since Milton." And then, in evidence of the lexicographer's conception of the character of the poem in question,

inserted at length is Milton's sonnet written on the detraction which followed his *Tetrachordon* and other of his prose treatises. It was a piece of scoff at his political foes, and the humour of it, such as it is, seems to consist in the introduction of as many rugged proper names as the poet could manage in the space of fourteen metrical lines. The smile of the great republican poet, at least as far as we trace it in his prose writings, was certainly not his most agreeable expression; it was ten times tinged with bitterness. If Dr. Johnson meant, as no doubt he did if he had any meaning, to cite that sonnet as a fair specimen, it either evinces a lamentable want of taste, or is additional proof how completely his vision was sealed to the wealth of the best periods of English poetry. The definition which succeeds to the above has caught our eye: "*Sonnetteer*, a small poet; in contempt." Let us see who they are. To say nothing of a worthy train of early poets, who were small only by comparison with their great cotemporaries, the sonnet was a favourite form of composition with each one of that glorious triumvirate, who kindled the flame of poetry higher than ever since the creation it flamed by mere human kindling, and kept it burning at its brightest for a century: EDMUND SPENSER—WILLIAM SHAKESPEARE—JOHN MILTON—sonnetteers all—"small poets, in contempt!" Samuel Johnson! in charity we are bound to hope that you are forgiven, but verily we have our fears.

Our principal object thus far has been merely to illustrate what form of English poetry it is, which is designated by the name of the sonnet, and incidentally to call attention to the true conception and exquisite finish of the specimens, selected with no very great pains, from the pages of a living poet. Let it now be distinctly understood that we do not of course claim for England the invention of the sonnet. It had its birth under a southern sky. Whether Italian or Provençal in its origin would not be pertinent for us at present to discuss. Its date is anterior to Petrarch, though from the fact that it was more developed and rendered more popular by him, it is identified so intimately with his name. There is a theory suggested by Ginguéné or Sismondi, if we recollect rightly, which traces to the poetry of the Arabs the fashion of continuing and intermingling the metrical sounds in their verses. Now this is one of the distinguishing features of the sonnet; and the use of rhyme, which is another, is a Gothic fashion, a northern barbarism as it was regarded by all who, like old Roger Ascham, fed in their hearts the hope of living to see their vernacular dialects set to the tune of hexameters. May it not be, then, that the wealth of several different quarters of the globe was laid under contribution to be coined in the diminutive mould of the sonnet?

It would be a singular boast for any thing so humble and unassuming. It is easy we are aware to weave theories, and upon this subject to extract much plausibility from the fact of the singular fusing of the European and Saracenic races together in the south of Europe, during a part of the middle ages. History presents, probably, no more extraordinary instance of the kind than the intermingling of three distinct races in a very limited territory at the time of the Norman establishment in Sicily; there was the remnant of the old Sicilian race—their conquerors, the Arabs—and the final victor, the Norman. Well might their music blend together, where they were girt in by the ocean in this little plot. In all diffidence we offer our fancy—we will not dignify it with the title of theory—that one graft was brought by the Arab from the East, and another from the region of the Goth, and that these grew into one growth under the genial influence of an Italian or Sicilian sun.

How is a nation's claim to any form of composition, whether metrical or not, to be established? Not, we contend, by discovery or pre-occupation. Parnassus is as free and illimitable as the ocean or the wind. If there be any method of taking a ceremonious possession, as territory is acquired by planting a standard or erecting a pile of stones, we have yet to learn what it is. It would not be more presumptuous and irrational to attempt to check the free current of a breeze that has wafted over Italy, than to contend that a certain arrangement of poetic melodies first uttered there must therefore remain Italian to the end of time. The domain of letters is no more susceptible of private exclusive dominion, than is the open sea. If there should be perceived a disposition on the one hand to assert, and on the other to yield to such a claim, it would be time for some one, invoking the spirit of old Grotius to his aid, to compile a *Helicon Liberum*. What would it be but reviving the principle of the old Portuguese claim? Petrarch, like De Gama, may have all the fame of discovery, but we yield nothing of long maintained possession and of present title. We claim our ancient English rights of sailing on the wide sea wherever the winds may carry us, and of tuning our language to any note to which it will answer.

Any form of writing, no matter how artificial in its structure, or how remote in its origin, may be naturalized into a language, if it is adapted to the character of that language, and if writers can be found who have shown this by actual experiment. In reference simply to origin, the sonnet is an exotic, but so is the epic or the ode. We cheerfully admit as much in one case as in the other, but nothing more;—and this admission is but equivalent to the acknowledgment that Homer came into the world before Milton, Pindar before Dryden and

Gray, and Petrarch before Surrey. A seed from this southern plant has been sown in the soil of English literature, and, exposed to all the inclemency of a northern climate, it has been followed by a growth as vigorous and flourishing as the parent stock. What we take exception to, is the propensity still to regard it as an unnatural transplantation, or a forced and artificial growth. When we dwell with an exulting national pride upon the pages of the *Paradise Lost*, our own English epic—we are never rebuked by being reminded of the claims of Homer. And when we read the English sonnet, able as we are to cite hundreds of them which would adorn the literature of any country, we cannot consent to stand always cap in hand to the shade of Petrarch. A brief reference to a few of the English sonnet writers of different periods will firmly establish our claim, and serve at the same time to correct the prejudices against the form itself.

The most obvious of these prejudices is directed against the narrow and precise limits of the sonnet. How, it is asked, can the free spirit of poetry breathe in such bondage—the certain bounds of fourteen lines, never to be passed over, yet always to be reached? How can fancy or imagination survive? If the sentiment be expansive or the imagery abundant, all must be cramped or curtailed. If, on the other hand, it can touch the reader's heart in an expression more brief, it must, notwithstanding, be stretched out to the standard. Such is the argument, and, as a matter of course, Procrustes' bed is usually rolled in by way of illustration. Richness of thought and fancy must be reduced, and poverty must be eked out. Now all of this, if true, is very objectionable, and that it is often true there is many a luckless sonnet on record to testify. But what does it prove? Not that the sonnet is an inappropriate form of poetry, but only that it is often employed upon subjects that are not adapted to it, and by writers who are unequal to it. The objection establishes nothing more than that there may be an incompetent poet or an injudicious selection of the topic—an objection surely not peculiar, but which would form an equally reasonable prejudice against the ode, the drama, or the epic. But the complaint does not stop here. One fault, it is alleged, leads to another, violations of literary propriety, like breaches of veracity, being of a very social tendency. Unnatural forms of expression are traced as a necessary consequence of an unnatural form of composition. The poet, unable, by reason of his artificial restraints, to give sufficient development to his feeling or his imagery, finds himself obliged to produce his impression by resorting to points and antitheses, and all the devices of artificial expression. Hence, it is said, the conceits for which the Italian sonnet is signally noted, and which may

be observed also in no inconsiderable degree in so many of those of other nations. Again we might resist this attack by charging the fault upon the individual poet; it proves his weakness and nothing else. But we are willing to take the burden of proof upon ourselves. We maintain that these faults are not naturally or necessarily inherent in the sonnet; and how can the question be better settled than by reference to what has actually been accomplished by it? Let us conceive proposed as a topic for a sonnet, a vindication of the form of poetry itself, to be effected by an enumeration of the famed poets of various countries who have made use of it, with allusions to their general character, the prominent circumstances of their lives, and their several purposes in writing; this to be done adequately, without restraint or prolixity, in language at once poetical and natural, and with a strict regard to the requisitions of versification. The conception would be surely ample enough for a poem of fourteen lines, under peculiar metrical laws. Whether the sonnet be equal to it, may be best ascertained by the perusal of another of Mr. Wordsworth's, in which the reader will recognize the execution of the conception which we have just sketched in a very lifeless paraphrase:

“Scorn not the sonnet; critic, you have frowned,
Mindless of its just honours: with this key
Shakspeare unlocked his heart; the melody
Of this small lute gave ease to Petrarch's wound;
A thousand times this pipe did Tasso sound;
Camoens soothed with it an exile's grief:
The sonnet glittered a gay myrtle leaf
Amid the cypress with which Dante crowned
His visionary brow: a glow-worm lamp
It cheered mild Spenser, called from faery-land
To struggle through dark ways; and when a damp
Fell round the path of Milton, in his hand
The thing became a trumpet whence he blew
Soul-animating strains—alas, too few!”

What could be more finished, more perfect, whether you regard it for its mere fancy, or as a piece of eulogy or criticism? What more natural in the expression, more free from every thing like false effect; more varied in its harmonies—what melody could be sweeter than the fall of its close? Is there a word that could be taken away, or one that could be added? Well would it alone sustain the fine illustration, which has been given of Mr. Wordsworth's sonnets, and which is also in a great measure applicable to all the best sonnets in the language: “Mr. Wordsworth's sonnet never goes off, as it were, with a clap or repercussion at the close; but is thrown up like a rocket, breaks into light, and falls in a soft shower of brightness.” Another, very characteristic of his general manner, may serve

to show that a very simple sentiment, that of local association, may be gracefully amplified to the space of the sonnet, without any of the insipid dilution which distinguishes so many of them :

“ There is a little unpretending rill
Of limpid water, humbler far than aught
That ever among men or naiads sought
Notice or name ! It quivers down the hill,
Furrowing its shallow way with dubious will ;
Yet to my mind this scanty stream is brought
Often than Ganges or the Nile, a thought
Of private recollection sweet and still !
Months perish with their moons ; year treads on year ;
But, faithful Emma, thou with me canst say
That, while ten thousand pleasures disappear,
And flies their memory fast almost as they,
The immortal spirit of one happy day
Lingers beside that rill, in vision clear.”

We are tempted to add another sonnet, which has often struck us as a happy specimen of art—a singular instance of secondary description, illustrating clearly the frequent analogy between poetry and painting, or to describe it more philosophically, between fancy and the bodily eye ;

UPON THE SIGHT OF A BEAUTIFUL PICTURE, PAINTED BY SIR G. H. BEAUMONT, BART.

“ Praised be the art, whose subtle power could stay
Yon cloud, and fix it in that glorious shape ;
Nor would permit the thin smoke to escape,
Nor those bright sunbeams to forsake the day ;
Which stopped that band of travellers on their way,
Ere they were lost within the shady wood ;
And showed the bark upon the glassy flood
For ever anchored in her sheltering bay.
Soul-soothing art ! which morning, noon-tide, even,
Do serve with all their changeeful pageantry ;
Thou, with ambition modest yet sublime,
Here, for the sight of mortal man, hast given
To one brief moment caught from fleeting time
The appropriate calm of blest eternity.”

There is also great merit in the following as a piece of landscape description, illuminated with a very rich moral light, the imagery of the closing lines especially evincing admirable taste :

A PARSONAGE IN OXFORDSHIRE.

“ Where holy ground begins, unhallowed ends,
Is marked by no distinguishable line ;
The turf unites, the pathways intertwine ;
And, wheresoe'er the stealing footstep tends,
Garden, and that domain where kindred, friends,

And neighbours rest together, here confound
Their several features, mingled like the sound
Of many waters, or as evening blends
With shady night. Soft airs from shrub and flower,
Waft fragrant greetings to each silent grave;
And while those lofty poplars gently wave
Their tops, between them comes and goes a sky
Bright as the glimpses of eternity,
To saints accorded in their mortal hour.

The complaint of the narrowness of the limits of the sonnet, appears to us, we must be allowed to add, indicative more of the character of the mind of him who makes it, than of any thing else. Writers vary wonderfully in the room they require: some can breathe freely in no space narrower than a modern state paper, while others, bless them! are more considerate. The former are not the men to write sonnets; we commend them to the epic. But is there not in this craving for space something that does not accord very well with true poetic temperament? If a writer be indeed worthy of his calling, if he do indeed belong to that creative class, who make the world they inhabit, what need has he of calling for more ground? Is it not enough that he has a spot to rise from? The peak of a broken crag, or the point of a blasted branch, would be sorry quarters indeed for a bear or a buffalo, but the majesty of the eagle claims no wider sovereignty for his footing, when he is springing from the earth to bathe his wings in the floods of the sun. Or, when the lark soars, like a sick man's hope, to meet the coming dawn, the home he leaves is wrapt in the little circumference of a tuft of grass. To these the spirit of true poetry is kindred. The insatiate demand for room is the symptom of a restless and licentious intellect—of feelings undisciplined. If we should hear it from the lips of one in whom we could discern a trace of poetic promise, we would address him in the language of affectionate entreaty: Get thee to thy study, and there seeking the writings of those who adorned our literature in that happy age, when authors had not yet become part of a printer's stock in trade, when men wrote from the fullness of the heart and not the emptiness of the purse, and communing with their pages, chasten thine own heart. There are doubtless many who are unable, and many who are unwilling, to brook the restraints of the sonnet; but that proves only that there are many faint-hearted and many false-hearted poets. All that we contend for is, that the difficulty, the existence of which we freely admit, is not insuperable; that there is no quality of poetry which may not be brought within its bounds. When a poet repudiates it, he is the unconscious witness to convict himself of a licentiousness, which he mis-

takes for the indignant spirit of true freedom. But again let the sonnet speak its own vindication:

“Nuns fret not at their convents’ narrow room ;
And hermits are contented with their cells ;
And students with their pensive citadels :
Maids at the wheel, the weaver at his loom,
Sit blithe and happy ; bees that soar for bloom,
High as the highest peak of Furness Fells,
Will murmur by the hour in foxglove bells :
In truth, the prison, unto which we doom
Ourselves, no prison is : and hence to me
In sundry moods, ’t was pastime to be bound
Within the sonnet’s scanty plot of ground :
Pleased if some souls (for such there needs must be)
Who have felt the weight of too much liberty,
Should find brief solace there, as I have found.”

It is to the narrow bounds of the sonnet that we may safely ascribe its frequent want of popularity, and the countless failures of many who have attempted it. For its most perfect conception and execution, it demands, we have little hesitation in saying, powers as great and varied as the epic itself. In addition to the qualifications for the usual forms of poetry, the poet must bring to the sonnet a profound judgment and a command of language that never fails : his power for condensation of thought must be irresistible ; he must possess that suggestive talent in writing, by no means a common one, by which the reader may be set upon trains of thought or feeling. His heart must be under equal discipline. On the part of the reader, too, much is required. There is, as we all know, one state of mind for prose, and another for poetry. The former may correspond with many of the states of feeling in which men happen to be ; the latter differs essentially from most of them. It varies with the constitution ; it may be felt in different degrees at different times ; often it requires a process of preparation. It was one of Charles Lamb’s observations—deep dyed as they all were in truth and the tints of his own peculiar humour—that “Milton almost requires a solemn service of music to be played before you enter upon him. But he brings his music, to which who listens had need bring docile thoughts and purged ears.” It was a fine philosophical thought, entitled to more consideration, as coming from one whose heart, if ever the heart of man was, was in a state of perpetual susceptibility to all that is true and beautiful in nature. Now this process of preparation is usually part of the poet’s own work ; much of every poem of any length may be devoted to the mere purpose of elevating the reader’s feelings to the required pitch : the world is too much with us, for us to dispense with the poet’s chastening. But the brevity of the sonnet precludes it. The consequence is, that the reader,

perusing it with feelings not sympathetic or not susceptible enough, may, with great injustice, impute to the poem a want of impression, which really is the result only of his own mood. Every reflective reader of poetry must have noticed how differently he has been affected at different times by the same piece. The sonnet, therefore, while it requires a writer of peculiar ability, needs a reader of somewhat more than ordinary reading capabilities. These are causes abundantly sufficient to account for frequent failures in sonnet-writing, and frequent want of popularity when successful. But we greatly err, if the sonnet be not a favourite abiding-place for him, who, whether as a writer or a reader, joins to an intellect well disciplined a heart nursed in the spirit of genuine freedom. His feelings will be congenial with those of the gallant cavalier, who kept the liberty of his soul unbroken by the durance of his body, and in answer to the reproach of restraint we can fancy him breaking out in the same exulting strains,

“Th’ enlarged windes, that curl the flood
 Know no such libertie.
 Stone walls do not a prison make
 Nor iron barres a cage;
 Mindes, innocent and quiet, take
 That for an hermitage:
 If I have freedom in my love
 And in my soul am free,
 Angels alone, that soare above,
 Enjoy such libertie.”

Lovelace, 1642.

If further proof be required of the capabilities of the sonnet, an argument of no mean authority may be found in the fact that it was not too narrow for the spirit of Shakspeare. If any one still believes that the loftiest poetic temperament should not brook its bondage, let him stand up and say so after reading the following, one of the least neglected, perhaps, of the collection of Shakspeare's sonnets:

“Let me not to the marriage of true minds
 Admit impediments. Love is not love
 Which alters when it alteration finds,
 Or bends with the remover to remove:
 O no; it is an ever fixed mark,
 That looks on tempests and is never shaken:
 It is the star to every wandering bark,
 Whose worth 's unknown, although his height be taken.
 Love 's not Time's fool, though rosy lips and cheeks
 Within his bending sickle's compass come;
 Love alters not with his brief hours and weeks,
 But bears it out even to the edge of doom.
 If this be error and upon me proved,
 I never writ, nor no man ever loved.”

It would be difficult to cite a finer passage of moral poetry

than this description of the master passion.* How true and how ennobling to our nature! We at once recognise in it the abstraction of that conception, which has found a dwelling and a name in the familiar forms of Desdemona, Juliet, Imogen, Cordelia, of Romeo, and of Othello, too, if that character be correctly understood. If this sonnet was written before his dramas, then it was the pregnant thought from which were destined to spring those inimitable creations of female character, that have been loved, as if they were living beings, by thousands. If, as is most probable, it was written afterwards, it is Shakspeare's own comment, and might be prefixed as a most apposite motto to those dramas, in which he has given life and motion to the conception. The gladdening influences of a lover's thoughts—the cheering light of a pure affection—were never depicted with truer feeling than in the following sonnet:

“ When in disgrace with fortune and men's eyes,
I all alone beweepe my outcast state,
And trouble deaf heaven with my bootless cries,
And look upon myself, and curse my fate,
Wishing me like to one more rich in hope,
Featur'd like him, like him with friends possess'd,
Desiring this man's art, and that man's scope,
With what I most enjoy contented least;
Yet in these thoughts myself almost despising,
Haply I think on thee. And then my state
(Like to the lark at break of day arising
From sullen earth) sings hymns at heaven's gate;
For thy sweet love remember'd, such wealth brings,
That then I scorn to change my state with kings.”

We make no apology for transcribing from the same collection another specimen, in which the reader cannot fail to observe an abundant measure of that exquisite but uncloying sweetness which distinguishes so much of the old English poetry. This sonnet would have been a meet melody to be chanted with the songs of Herbert and Herrick, by the honoured lips of old Izaak Walton.

“ O how much more doth beauty beauteous seem,
By that sweet ornament, which truth doth give!
The rose looks fair, but fairer we it deem
For that sweet odour which doth in it live.
The canker-blooms have full as deep a dye,
As the perfumed tincture of the roses,

* The fame of having composed the finest *prose* delineation of the passion of Love may be claimed for Coleridge: it may be found in a piece entitled “The Improvisatore” included in his poetical works. For philosophical analysis and for beauty of expression it is unequaled by any single passage on the subject. As a piece of abstract description or definition it is not surpassed by the celebrated definition of wit in Barrow's Sermons.

Hang on such thorns, and play as wantonly
 When summer's breath their masked buds discloses.
 But, for their virtue only is their show,
 They live unwoo'd, and unrespected fade;
 Die to themselves. Sweet roses do not so;
 Of their sweet deaths are sweetest odours made:
 And so of you, beauteous and lovely youth,
 When that shall fade, by verse distills your truth."

Beside these objections, which are equally applicable to the sonnets of all nations, the English sonnet is charged with faults of its own. Dr. Johnson's opinion has been already adverted to. Lord Byron, in one of the very few sonnets he wrote, makes the same admission, that it is a form of poetry not suited to our language; and though some allowance is to be made for the language of compliment which he was addressing to an Italian lady, yet the fact that the noble poet, with all his Italian promptings, so rarely made use of the sonnet, is proof enough of his sentiments. We have thus frankly referred to the opinions of Dr. Johnson and Lord Byron (odd company indeed!), both strong names and witnesses against our cause. We must be allowed to speak of them with equal freedom. There will be no novelty in the expression of an opinion derogatory to Dr. Johnson's character as a critic of poetry, nor will it be necessary, we presume, to remind the reader of the errors, both of judgment and taste, in his principal critical work. Dr. Johnson had in fact a hearty love for only one period of English poetry, and that not its best period. His affection was given to the poetry of that time, when the native vigour of the poetry of England was enfeebled by the introduction of Gallic refinements, when the healthy, sanguine English muse, was miserably depleted. To say that he was little better than blind and deaf to all else would scarcely be using language too strong. Out of the limits of the period referred to, he praised only by compulsion, as is apparent from his reluctance, such as is manifested in his criticisms on the minor poems of Milton. There is no instance on record in which the guilt of literary omission attaches more strongly and has done more injury, than in Dr. Johnson's *Lives of the English poets*. For aught that appears there, Chaucer and Spenser, and Shakspeare, (as a poet apart altogether from the dramatist), and Drayton, Daniel, Sir Philip Sidney, and others of the age of Queen Elizabeth, the chief of the poets of England, might never have breathed a verse. And in the dreary absence of these, after what names is the misguided reader led in chace? Stepney, Mallet, Granville, and Pomfret, Hughes and Yalden and Sprat—"rats and mice and such small deer." Now the school of poetry, which was favourite with Dr. Johnson, was exactly that by which the sonnet was com-

pletely repudiated; it demands too much of the substance of poetry to have found favour in the eyes of the Charles II. and Queen Anne's men.* It is a fact of considerable interest as bearing on our subject, and one which will be appreciated by those who are familiar with the different ages of English poetry, that during the most artificial period the sonnet was neglected almost universally; and that it revives with the taste for the earlier models, which is one of the best features in the literature of our day, and from which we may infer that poetry at least is completing a cycle by a return to primitive power and simplicity. To invalidate the authority of Lord Byron's name, may be a more delicate task than that we have just attempted. Conceding all the vigour of imagination that may be claimed for him by that large, but we think decreasing class, his zealous admirers, we cannot but believe that he greatly wanted the qualities essential to success in the severer forms of poetry. This would have been especially felt in the sonnet. Neither his habits of thought nor his modes of feeling were adapted to it, nor had he sufficient command of expression. His head and his heart and his tongue were all undisciplined. The time has gone by, we hope, for the misplaced sympathy with what are called the eccentricities of genius, and for the fallacy which recognises the right of any mortal to claim exemption from the laws which universally control the intellectual as well as moral being of mankind. How much is it to be deplored that Lord Byron was too disdainful habitually to lay his restless head in the lap of nature! His conceptions, lofty as they unquestionably often were, were not distinct enough for a poem of limited size; his emotions, deep as they were, unhappily were not chastened. Language did not sit upon him as a garment, but girt him like harness, as his more discriminating admirer often, to his discomfiture, perceives. When we hear Lord Byron's doubts as to the capabilities of the English language for the sonnet, we should recollect that he was far from being well read in English poetry, and that he was not well inclined to believe that what he himself was unequal to could be accomplished by any of his cotemporaries.

But leaving the witnesses, let us look to the charge. The sonnet is not suited to the English language. In what respect does the language fail? Surely not in expression, for no one

* We may be reminded that the selection for the lives was made by the publishers; we are aware of that fact, but it is an inadequate apology. Dr. Johnson himself suggested names, some of those we have referred to in the text; he might have controlled and extended the selection, or if not, he might at least have proclaimed the existence of other treasures, if his taste had prompted him to an acquaintance with the earlier poetry of England.

will venture to deny that a certain number of English words will convey as much thought as an equal number of the words of any language living or dead. The alleged defect refers, we may fairly presume, to considerations of versification. A poverty of rhyme and a deficiency of harmony are imputed to the language, which if merited would indeed disqualify it for the continuous melody of the sonnet. We regard the charge as an idle prejudice. To complain of language is a hacknied device to conceal ignorance or incompetency. Let any one reflect on what has been accomplished by the English tongue, let him muse awhile on the achievements of English prose or English verse, and he may well be impatient of these disloyal repinings. Whoever undertakes to bring down Sir Thomas Brown's record to our own times, to be the historian of vulgar errors, of men's follies and mistakes, should place this in the foremost rank—the opinion which ascribes a narrowness to that glorious way, over which Shakspeare and Milton, Taylor and Barrow, Baxter and Bunyan, Burke, Coleridge and Wordsworth have passed into the hearts and minds of the British race on both sides of the Atlantic.

The sonnet has been successfully naturalized into English literature. Its first introduction was cotemporary with the early improvement in our poetry, by which metrical forms of versification were substituted for the old rhythmical mode. Its prescriptive title is therefore as good as that of any other form. The first English sonnets were written by Henry Howard, the gallant but unfortunate Earl of Surrey. The melodies of strange languages had fallen on his ear; yet he neither remained abroad to renounce his own home, nor did he return with a heart corrupted by foreign travel, but, in a spirit of pure and lofty patriotism, he sought his native land, to call up the yet buried harmonies of his mother tongue. This honour is shared with him by his cotemporary and friend, Sir Thomas Wyatt. We have already shown that the sonnet has been employed with honour by others—the chief of English poets. In the hands of Shakspeare its form was modified; and as we are much more disposed to regard him as a lawmaker than as an outlaw, we cannot but think that there is too dainty a preciseness in the hesitation, which is felt in applying the name to other forms than the original model. We are ready to adopt Shakspeare's enlargement of the meaning of the word, because no essential principle whatever of the poem is sacrificed by the variety. But to avoid the appearance of a mere verbal dispute, if we adopt the stricter sense of the term, the severer form of the poem, the legitimate sonnet, as it is called, the poets of England have abundantly vindicated the powers of the language. It is to a living poet that the glory of consummating

this victory over a wide-spread prejudice is due. The notes that proclaim this triumph of the English muse, are uttered by the sonnets of William Wordsworth. From these alone, we might readily show the abundant richness of the language in rhymes, its power of expression, and its flexibility of metre. With those, indeed, who are accustomed only to the more prominent rhymes, and the more marked forms of verse, the melody of the sonnet may often fall as on a deaf ear. But to a cultivated taste, and to the secret sense of hearing, apt for the music of poetry, we would cheerfully commit almost any one of Mr. Wordsworth's sonnets, without an apprehension that the sweetness and variety of its harmony would pass unheeded. The following may be taken after little more than a moment's selection :—

“ It is a beauteous evening, calm and free ;
 The holy time is quiet as a nun,
 Breathless with adoration ; the broad sun
 Is sinking down in its tranquillity ;
 The gentleness of heaven is on the sea :
 Listen ! the mighty Being is awake,
 And doth, with his eternal motion, make
 A sound like thunder—everlastingly.
 Dear child ! dear girl ! that walkest with me here,
 If thou appear'st untouched by solemn thought,
 Thy nature is not, therefore, less divine :
 Thou liest in Abraham's bosom all the year ;
 And worshipping'st at the Temple's inner shrine,
 God being with thee, when we know it not.”

Another prejudice, perhaps the most deeply seated, against the sonnet, results from an impression that it always treats a subject exclusively with reference to the feelings of the poet. Hence it is censured as egotistical, and is looked upon as the vent of moping and discontented humours, and of insipid sentimentality. That there are very many sonnets justly obnoxious to these reproaches, may be freely admitted ; and, also, that a bad sonnet is, for reasons that might readily be stated, one of the worst of failures. Of those who have been able to find none other, we can only say, that they have been indeed unfortunate in their selection. But we protest against this indiscriminate grouping of the good and bad : if the sonnet be judged on that principle, how will the epic abide it ? A bad epic is very bad, too, and a great deal more of it. It is one of the merits of the English sonnet writers that they have qualified the *subjective* character of the poem ; the feelings of the poet are not necessarily most prominent ; many of the best of the English sonnets may be read without recognising him as any thing more than a voice.

That the sonnet is egotistical, is obviously only a compara-

tive censure. Whether this is to be imputed to it for its reproach or its repute, will manifestly depend upon whose egotism it is. If it express the feelings of a hollow heart, or the thought of an empty head, nothing can be more valueless. But has it not been the key to open the secret cabinet of spirits whose stores were precious? When Shakspeare meditated upon his theatrical profession, it was in the sonnet that he breathed out his sense of degradation in that beautiful lament, of which the tone is a little louder than a sigh, and yet not so harsh as a murmur. It is here that his genius, no longer embodied in its creations, appears to us in its individual nature; he walks upon the earth in his own personal form. What poem can boast of greater interest?

"Alas! 'tis true, I have gone here and there,
And made myself a motley to the view,
Gored mine own thoughts, sold cheap what is most dear,
Made old offences of affections new.
Most true it is, that I have look'd on truth
Askance and strangely; but, by all above,
These blenches gave my heart another youth,
And worse essays prov'd thee my best of love.
Now all is done, save what shall have no end:
Mine appetite I never more will grind
On newer proof, to try an older friend,
A God in love, to whom I am confin'd.
Then give me welcome, next my heaven the best,
Even to thy pure and most loving breast."

Again, in reference to the same topic:—

"O, for my sake do you with fortune chide,
The guilty goddess of my harmful deeds,
That did not better for my life provide,
Than public means, which public manners breeds.
Thence comes it that my name receives a brand,
And almost thence my nature is subdued
To what it works in, like the dyer's hand:
Pity me, then, and wish I were renew'd;
Whilst, like a willing patient, I will drink
Potions of eysell, 'gainst my strong infection;
No bitterness that I will bitter think,
No double penance, to correct correction.
Pity me, then, dear friend, and I assure ye,
Even that your pity is enough to cure me."

This would be sweet language from any lips; but what can be deeper than the pathos of it, when you reflect that it is the grief of one whose wisdom, for more than two centuries, has been reverently quoted by statesmen, philosophers, and divines; whose plots have wound round so many hearts, and moistened so many eyes; whose pictures of passions have moved such sympathies, and whose wit has gladdened so many faces. It is in his sonnets that you find the conclusive proof that he was

"the gentle Shakspeare."* It will be recollected that he retired to Stratford, to pass the evening of his days. We quote the following sonnet, which appears to refer to that period, partly for the fine amplification it contains of a well-known phrase in Macbeth, and chiefly for the surpassing beauty of the images illustrative of a poet's silent old age; we challenge the poetry of the world against that one line:—

"That time of year thou may'st in me behold,
 When yellow leaves, or none, or few, do hang
 Upon those boughs which shake against the cold,
Bare ruin'd choirs, where late the sweet birds sang.
 In me thou seest the twilight of such day,
 As after sunset fadeth in the west,
 Which by and by black night doth take away,
 Death's second self, that seals up all in rest.
 In me thou seest the glowing of such fire,
 That on the ashes of his youth doth lie,
 As the death-bed whereon it must expire,
 Consumed with that which it was nourish'd by.
 This thou perceiv'st, which makes thy love more strong,
 To love that well which thou must leave ere long."

One other instance may be cited by way of refutation of the charge of insipidity brought against the sonnet. When Milton addressed the grave appeal of patriotism to his cotemporaries, Cromwell, and Fairfax, and Vane, he chose this form. When he invoked a higher power, it was the sonnet by which he uttered the prayer, "Avenge, O Lord, thy slaughtered hosts," a note so fearful and so loud, that we can almost fancy it echoing over the valleys in which the bones of the martyrs lay covered with snow. And when, at last, no longer able to resist the belief that he had been labouring for an unworthy age, that he had been prompting to freedom a race that was sluggish and sensual, it was in the sonnet that he expressed his solemn resignation. It was a fitting close for his eventful career. The storm that had risen on the meridian of his life had slowly

* Of all the epithets that are attached to the name of Shakspeare, there are but two or three that are to be tolerated. You can scarcely, by means of any term, add to the conception of genius, which is suggested by the single word "Shakspeare." The phrase, "the gentle Shakspeare," deserves to be a favourite one, because it teaches a truth of deep moral interest—it tells of the blessed union of genius and gentleness, that there is a natural alliance between the highest powers of intellect and tenderest emotions of the heart. There might, perhaps, be no other objection than the appearance of quaintness to his sharing Hooker's epithet, "the judicious Shakspeare," as indicating those faculties which combined with imagination are found only in poets of the first order. Mr. Coleridge applied to Shakspeare the expression "the myriad-minded," *ὁ πρὸς μυρία νοῦς*, having reclaimed it from a Greek monk, by whom it had been used in reference to a patriarch of Constantinople. As to most other epithets for him, they are as tinkling cymbals.

abated, and while the fragments of it were yet strewn on every side, and the thunders of his controversial voice were echoing in the distant sky, there broke forth at sunset a placid gleam of that light which had beamed upon his youth. His sight extinguished, a hostile dynasty restored, "Darkness before and Danger's voice behind," he bowed his head with the unsoured cheerfulness of his early days. In that spirit we find him in the sonnets communing with a few chosen friends and with his God. To appreciate Milton's sonnets fully, we should refresh our recollections of some of his prose writings; we should recall the fierce indignation, and the bitter scorn, hurled against Salmasius; we should recur to the closing passages of his tract of "Reformation in England"—the most awful imprecation ever uttered by the voice of man, save when it has been prophetic of the vengeance of the Almighty. Then let either of the sonnets addressed to Cyriac Skinner be read.

"Cyriac, this three years day these eyes, though clear,
 To outward view, of blemish or of spot,
 Bereft of light their seeing have forgot,
 Nor to their idle orbs doth sight appear
 Of sun, or moon, or star throughout the year,
 Or man or woman. Yet I argue not
 Against Heav'n's hand or will, nor bate a jot
 Of heart or hope; but still bear up and steer
 Right onward. What supports me, dost thou ask?
 The conscience, friend, to have lost them overply'd
 In liberty's defence, my noble task,
 Of which all Europe talks from side to side.
 This thought might lead me through the world's vain mask
 Content though blind, had I no better guide."

Can it be that the torrent which before leaped so madly and so loudly from rock to rock, has passed into this gentle current! How full, how tranquil, is its flow!

Spenser's sonnets are of secondary merit: inferior to his other minor poems, they are unimpassioned productions, of a character which seems to be suggested by the title "*Amoretti*," prefixed to them. The poet who, as a sonnet-writer, has gained a place by the side of Shakspeare and Milton, is Wordsworth. And when it is considered that all of these have given to the world works of a more enlarged form and of the highest order of poems, it would seem that the sonnet was used as a kind of private tablet to preserve the detached and passing thoughts which must ever be rising in the ceaseless fountain of a great poet's heart. It is the record of

—"the sessions of sweet silent thought,"

to borrow from a sonnet of Shakspeare one of those exquisite phrases, which fell so naturally and so gracefully from his tongue, and which justify us in saying, (not irreverently we

trust,) that he spake as never man spake. Let no one look upon the little poem with a hasty superciliousness. We have shown that it has been the retreat of poetic genius of the first rank—an oratory for those who have worthily ministered in the solemnities of cathedral service.

The sonnets of Mr. Wordsworth would richly deserve a separate examination. He, more than any other poet, has shown its adaptation to a very great variety of subject and of feeling. If there were none other in the language, there would be reason enough to claim the sonnet as a form of poetry completely naturalized into English literature. The public is at last rendering him justice; the sound of the war that was waged against him has died away. It is his singularly happy fortune, in which his early admirers especially sympathize, to witness the beginning of the maturity of his fame. It will be completed by the reputation of his sonnets, which will probably be the last of his works to gain very general favour. For this reason, we have quoted from them freely, and if the reader desire the eloquence, the pathos and the philosophy of poetry, with all its harmonies, we commend him to the several collections of sonnets among the poems of Wordsworth.

In adverting to cotemporary poetry, we cannot suppress a regret that Coleridge—that other great light, but recently extinguished—did not, in the later periods of his life, revive his early attachment to the sonnet. In expressing this regret, we would not be understood as participating in the charge of inactivity, that has so inconsiderately been brought against him. Of that injustice we wash our hands, for we entertain too deep a gratitude for what he has done, and too firm conviction that few writers have contributed more to the thoughts of their fellow beings. Coleridge has been our friend—our companion, our guide, our own familiar friend. We could not lay upon the grass that grows on his grave the weight of the lightest complaint. We merely regret that in his old age he did not renew the series of his youthful sonnets, because his constitutional habits of reflection and his singular powers of versification pre-eminently qualified him for this form of poetry. We could readily point out many a passage in Mr. Coleridge's prose works, in which some noble thought is illuminated by a richly imaginative illustration, and which would need only the metrical arrangement to constitute a sonnet of the first order. His son, Mr. Hartley Coleridge, who has given proof that the genius of the family has not been buried in the father's grave, might find in such a process of transformation a task affectionate to the memory of his parent and worthy of his own powers.*

* If our voice could reach him, we would commend such passages as the following as suitable material for the sonnet: the fine comparison in

It is irksome, we are aware, to write from other men's suggestions, and the best efforts of mind are those which are purely self-evolved. The mere difficulty of any undertaking would be no obstacle to the intellect that could conceive a sonnet in all respects so adequate to its high theme as the following from the poems of Mr. Hartley Coleridge:

"TO SHAKSPEARE.

"The soul of man is larger than the sky,
Deeper than the ocean—or the abysmal dark
Of the unfathom'd centre. Like that ark,
Which in its sacred hold uplifted high,
O'er the drown'd hills, the human family,
And stock reserved of every living kind,
So, in the compass of the single mind,
The seeds and pregnant forms in essence lie,
That make all worlds. Great poet! 'twas thy art
To know thyself, and in thyself to be
Whate'er Love, Hate, Ambition, Destiny,
Or the firm fatal Purpose of the Heart,
Can make of Man. Yet thou wert still the same,
Serene of thought, unhurt by thy own flame."

In closing our enumeration of the capabilities of the sonnet, there is one other purpose to which it was equal. It could express the feelings of Charles Lamb. Why of Charles Lamb more than of any one else? Reader, if you ask that question, you have not yet learned the dear mystery of those two monosyllables, "*Charles Lamb*." But if you have been more fortunate, how much of the spirit of Elia will you not recognize in these two brief poems!

"WORK.

"Who first invented Work, and bound the free
And holiday-rejoicing spirit down
To the ever-haunting importunity
Of business in the green fields, and the town—

the Friend, "human experience, like the stern lights of a ship at sea, illumines only the path which we have passed over:"—or Coleridge's impassioned wish respecting the reception of his works, "Would to Heaven that the verdict to be passed on my labours depended on those who least needed them! The water lily, in the midst of waters, lifts up its broad leaves, and expands its petals at the first pattering of the shower, and rejoices in the rain with a quicker sympathy than the parched shrub in the sandy desert:"—or his bold conception respecting the design of miracles, in the *Statesman's Manual*: "It was only to overthrow the usurpation exercised in and through the senses, that the senses were miraculously appealed to. Reason and revelation are their own evidence. The natural sun is in this respect a symbol of the spiritual. Ere he is fully arisen, and while his glories are still under veil, he calls up the breeze to chase away the usurping vapours of the night season, and thus converts the air itself into the minister of its own purification: not, surely, in proof or elucidation of the light from heaven, but to prevent its interception."

To plough, loom, anvil, spade—and oh ! most sad,
 To that dry drudgery at the desk's dead wood?—
 Who but the being unblest, alien from good,
 Sabbathless Satan ! he who his unglad
 Task ever plies 'mid rotary burnings,
 That round and round incalculably reel—
 For wrath divine hath made him like a wheel—
 In that red realm from which are no returnings ;
 Where toiling, and turmoiling, ever and aye,
 He, and his thoughts, keep pensive working day.

“ LEISURE.

“ They talk of time, and of time's galling yoke,
 That like a mill-stone on man's mind doth press,
 Which only works and business can redress ;—
 Of divine Leisure such foul lies are spoke,
 Wounding her fair gifts with calumnious stroke.
 But might I, fed with silent meditation,
 Assailed live from that fiend, Occupation—
Improbis labor, which hath my spirit broke—
 I'd drink of time's rich cup, and never surfeit ;
 Fling in more days than went to make the gem
 That crown'd the white top of Methusalem ;
 Yea, on my weak neck take, and never forfeit,
 Like Atlas bearing up the dainty sky,
 The heaven sweet burthen of eternity.”

We have thus endeavoured, not very systematically, to vindicate a neglected department of English poetry. We never engage in an investigation of the kind, involving a recurrence to the early periods of English literature, without feeling disposed, on closing it, to give way to a thanksgiving that “ the lines have fallen to us in such pleasant places—that we have so goodly a heritage.” To the student of poetry—we hope a distinction is drawn between such and many of the ordinary readers of poetry—we commend the sonnet as worthy of his regard and as one of the best tests of a cultivated taste.

The public taste for the sonnet is reviving, and it would not be a difficult task to give it a true tone. Let a selection be made from the sonnets of Shakspeare, Milton, Spenser, Sir Philip Sidney, and other of the earlier poets, and from those of Warton, Bowles, Wordsworth, Southey, Coleridge and others, illustrated with occasional critical notices. A volume might be formed, into which none but the best English sonnets should be admitted. Beside its intrinsic merit, such a book would possess much of the charm of novelty, and, what would distinguish it most favourably from all books of selections, each selection would be a complete and perfect poem in itself. We can scarcely imagine a more agreeable volume for the study or for the parlour table. We recommend the suggestion to some enterprising publisher, as one likely to be successful, and which would certainly render a service to the cause of English letters.

ART. X.—*History of the Town of Plymouth, from its First Settlement in 1620 to the present time ; with a Concise Account of the Aborigines of New England, &c.* By JAMES THACHER, M. D. Second edition. Boston : 1835.

A good town history in this country is a rarity. Quite a number of books, purporting to be such, have been published ; all within a few years, and mostly, as a matter of course, at the north, where the thing signified by the word *town*, in the sense we intend to use it in the following paper, is almost exclusively known. Some of these, if not all, we have seen. There are none of them, within our recollection, which do not deserve considerable praise, and which ought not, on the whole, to be in the library of every person who wishes to be thoroughly possessed not only of our general history, but of its particulars ; and especially of the elementary materials out of which, and of the process by which it is, or should be, made. Many of them indeed are apparently first literary attempts ; experiments, perhaps, a little in the way of historical maiden speeches ; modestly intended to interest and gratify a comparatively small region of readers, who may be considered parties to the showing-up of the subject matter discussed. Yet these have their wider value. They save something from oblivion ; sometimes a great deal ; even treasures, it may be, of local tradition, recollection, or record, which at some day or other, in some hands, may be found of inestimable incidental value ; and which, at all events, are decidedly worth the labour of preserving for various purposes. These local annals are full of *little things*,—names, dates, and facts, and rumours of every sort, which seem at first sight almost too trifling to be noticed ; and yet not only is it true that the general historian must essentially depend on the local to a very considerable extent, for the mass of loose seeds from which the spirit of *his* narrative should be laboriously distilled ; but it is also true that there is almost always a good deal of that spirit already made, in such materials, at his hand. Many of these little things which we speak of, are little only in size and name. They are full of rich meaning. They are graphic and characteristic in a high degree. They suggest far more than they say. They illustrate classes of men, and ages of time. They are small but brilliant lights on the walls of the past, pouring floods of splendour from their little niches on the vast abysses around them.

We want more of these little things in our history. In all history, indeed, we want them. History teaches us, as it is, almost solely great results. It gives us the successions of

governments and empires, the names of great men, the places of mighty battles, and perhaps the number of the killed on either side ; with a philosophy of comment, or inference proportionate to such a beggarly account of empty statistics. This is well as far as it goes, but we want more ; or rather, we want *less*. We need the retail of history, as well as the wholesale. We need more facts which constitute or indicate real character and condition, in detail ; the more the better. We need the little things which lead to the great things, and which follow from them. The skeleton of the past then would be clothed in flesh and blood, as it once was. It would come out of its long obscurity as the bodies of the poor Pompeians come out from theirs ; life-like, if not living ; surrounded and invested with the accompaniments which bespeak even the traits of individuals, as well as of races, generations, and communities ; nay, in the very attitude of the act in which their fate surprised them, and with the expression of that action in the face. This would be a restoration worthy of the name. We could "*live o'er*" the scene, and "*be what we behold.*" There would be no more complaint of the dullness and dryness of history. It would ask no art to teach, and no labour to learn it. It would be *read* instead of being *studied*. The truth, stranger than fiction, would come out on the surface, and attract even the eye of the child. The work of historical novels, —the most successful the world has seen, because the most true,—would be superseded by the historian's taking his own business into his own hands. We should have novels in histories, instead of histories in novels ; and all, of course, not by the infusion of fiction or imagination, (which cannot but settle more or less into the chasms of history as it is,) but of truth. Herein consist, in a great degree, the value and interest of the poorest even of these town histories ; for it would be far more difficult for the poorest, in a country so full of the materials of *such* history as ours is, to avoid, than it would be to accomplish, the preservation of many things, which are nobly worthy of the toil.

The value, then, of a good town history, such as we began with describing as a rarity, may be easily inferred ; the value of one, we mean, which is the work of a person, in all, or in most respects, competent to his task ; and that is saying a good deal. Such a person must, in the first place, be indefatigably industrious. There is almost no literary labour equal to that of looking up and working over the lumber of such a book, especially in cases of especial deficiency or redundancy of documents, or other difficulties, which are incident to the task. He must have a thorough, genuine, antiquarian spirit. Ambition, or any other foreign consideration, will by no means answer the same end.

There is no ambition to be gratified in such drudgery, or by its result. No fame accrues to such a work, unless in very extraordinary cases, in a limited degree. It can never be a profitable undertaking in any pecuniary sense. It must be truly a labour of love.

But it must be much more than this. Most, if not all the requisite ability and accomplishments of the general historian must come in play; the experience, liberality, tact, self-control, general information, taste in style, sound sense in every thing; the arts of selecting, discriminating, comparing, arranging, inferring, expressing and discussing, thoroughly, truly, coolly, and well. It is no marvel in our eyes that such a work, done as it should be, is a rare thing, especially as the business of making these histories, when we consider what remains unwritten, can be deemed only to be just begun.

The force of these remarks applies, of course, peculiarly to peculiar cases. A town—a New England town—is itself a curiosity among communities, and in the history of the world. Any history almost, of almost any town, must be a curiosity in literature, to *that* extent, if no more. The annals of an important town, however,—of an ancient one, which has stood, suffered and acted through every stage of the country's history,—of a leading one, still more, which has taken a prominent share in the proceedings, and commanded the respect, and moulded, more or less, the character of surrounding and succeeding communities, the annals in a word, of such a town as Plymouth, "Old Plymouth," setting aside even the incident which specifically places it above all competition with all its neighbours, not to say with any other locality, the world knows,—how full should such a volume be of the fact and of the philosophy of the highest order of human records.

Old, we say; the oldest of our towns; the first of the settlements of New England; the second permanent one along the whole shore of the Union; and yet how young, as compared with the states and empires which have been commonly the historian's theme. How full of materials for his work—which have been almost always wanting in those cases. *Their* beginning has reached back into the darkness of unknown time. Hundreds and hundreds of years have rolled over them, like the clouds of the summer, and left no trace behind. Intervals in their existence, wider than the whole space of American history, are passed over with, perhaps, a mere conjecture, or the names or number of their kings. Two centuries alone have sufficed for us—and those two the last; a period comparatively enlightened throughout—the illuminated period of the world's annals; a period of revived mind, of intense activity, of free intercommunication, of the most extraordinary revolutions, cha-

racters, and phenomena of every sort, recognised by the history of nations, which man has ever seen. Of all these things, so far as we are connected with them, nothing has been done in the dark. A complete record, with slight exceptions, has been preserved in some shape or other; chiefly, indeed, in a state of most plentiful confusion—but yet preserved. Our history, as a people, may be written from the beginning to the present hour.

The volume of Dr. Thacher has freshly impressed these considerations upon us. Great labour, of necessity, was to be encountered in the research it could not but require, and no small difficulty to be surmounted, and ingenuity exercised, in the condition in which the material to be relied on and wrought out was found. Yet it was not, as in the investigation of the origin of other states it generally has been, a fruitless and a hopeless task. The author knew, in the outset, that it need not and would not be so. He did not

—“wander there,
To bring us back the tidings of despair.”

It is wonderful to see, on the contrary, how, step by step, and stage by stage, he has traced back (or enabled his reflecting readers to do so) the growth of the country, and of the town, and of the colony, and of the individuals even who composed it, to the one and grand starting point of them all. Our whole progress is laid bare. The past is restored. All which belonged to Plymouth alone, in history, has become the property of the world. We have discovered “the cradle of that mighty birth.” We have opened to the sunbeam “the far fountains” of the nation’s “Nile.”

We are reminded by this volume, we say, of *the youth of our antiquity*. The whole tenor of its contents, (such is their recency,) as compared with those of foreign histories, enforces that impression, difficult as it is to realize, when we take time to consider, how momentous a life, and how *much* of one for all the essential ends of national existence, we have compressed into this narrow space of two hundred years. We remember that when Professor Everett pronounced, in 1824, his justly admired oration before the Pilgrim Society of Plymouth, he availed himself, with his usual tact, of an incident which is still, perhaps, the most beautiful illustration which that famous anniversary has ever elicited of the strange vastness of the results the settlement has produced. He spoke of the appropriation granted, during that season, by congress, for the security of the old harbour, where, on the day they celebrated, the germ of so much of the future America was tossed in one small vessel on the wintry tide. A few generations came and went, and, lo! from the little democracy organized in the cabin of

the May Flower—the first which the world has seen—from this weak and weary band of exiles, poorly armed (as he describes them), “scantily provisioned, depending on the charity of their ship-master for a draught of beer on board, drinking nothing but water on shore, without shelter, without means, and surrounded by hostile tribes”—more than half their number (he could have added) perishing on the spot within the first six months, and the residue, two years after, reduced to a distribution of a single pint of corn for their sustenance,*—from such an origin had sprung “*a great American representation, convened from twenty-four independent and flourishing republics*, taking under their patronage the local interests of the spot where our fathers landed;” and providing, adds the orator, in the same act of appropriation, for the removal of obstacles in the Mississippi, and the repair of the Plymouth beach. There were members of that congress, he would not say from distant states, but from different climates; from regions which the sun in the heavens does not reach in the same hour that he rises on *us*. “Happy community!” well might he subjoin, “glorious expansion of brotherhood! Blessed fulfilment of that first timorous hope which warmed the bosoms of our fathers!”

On the same occasion, Mr. Everett alluded to the circumstance of the but recent decease of those who had been intimate with the children of the first settlers. In the history before us we notice, in the account of the commemoration of 1817—when the Rev. Mr. Halley, of Boston, addressed his genius to the subject which so many master-minds have discussed before and since on the same sacred ground without the possibility of exhausting it—an allusion to the aid which he then derived from the reminiscences of the venerable Deacon Spooner; the same who, in his brown wig and ancient costume, was wont, if we mistake not, to appear on similar occasions previous to this, in discharge of the customary duty of reading a

* This statement we suppose to be traditional. It is, however, so well authenticated, as to have been revived at the memorable celebration of 1820 (when Mr. Webster gave the oration), by putting in each plate, at the dinner-table, *five kernels of parched corn*, which is understood to have been the share to each individual in 1623. At all events, the anecdote conveys no very exaggerated notion of the true state of things at the time. Governor Bradford writes, in one place, “By the time our corn is planted, our victuals are spent, not knowing at night where to have a bit in the morning;” and he says, again, when a few of their dearest old friends had just arrived in the colony, “the best dish we could present them with, is a lobster, or a piece of fish, without bread, or any thing else but a cup of fair spring-water.” The best of them lived for months mostly on clams and ground-nuts.

hymn, line by line, to be sung in the same style by the choir.* The deacon died, we find, in the following year, at the not very advanced age of eighty-two. He was intimate, in his youth, with Elder Faunce, who died in 1746, at the age of ninety-nine. The elder was born, of course, in 1647, only twenty-seven years after the settlement commenced. Deacon Spooner was present when, in 1741, it being understood that a wharf was to be erected over the Pilgrim Rock, the elder's desire to take a last farewell of that memorial, induced him to visit the spot, then in his ninety-sixth year, from a distance of three miles, that he might have the satisfaction of bedewing with his tears the place which his father had told him was hallowed by the first footsteps of the pilgrims. So short is the chain of the traditions which connect us thus closely with the settlers of Plymouth.

This impression is continually confirmed, as we turn over the leaves of Dr. Thacher's volume, by the notice of little incidents of like nature. The hardihood of mind and body, the kind of general *character*, which so distinctly marked the generation of the settlement, and which appears in all their actions and sufferings, even the slightest, as the vitality of a tree's sap is visible in the least of all its farthest leaves, the constitution, which, among minor things, as it may seem to some, so essentially contributed to the success, and even to the projection, perhaps, of their great enterprise, is not faintly illustrated by the circumstances already alluded to in the notice of Elder Faunce. We refer to the remarkable health, thrift, and especially the longevity to which the old settlers, in spite of every thing they encountered, attained; and which we choose to refer to in this place, the rather, as it throws some light on the precision with which the traditions of those times have reached us. The first ravages of disease and other trials were indeed severe, as we have intimated, by the fact that in March following the arrival, only fifty-five remained of the one hundred and one who came in the May-Flower. This was to be expected. The only wonder is how any, and especially how so many, of them escaped. We must bear in mind that of this miserable one hundred and one, the number of males described as "qualified to act in state affairs," was but forty-one. Some of these, it is fair to presume, were more or less infirm when they started. The rest were women and children. The voyage was of almost unexampled hardship. Twice, it will be recollected, they put back in the roughest weather for repairs;

* In 1806 he read a hymn composed by Dr. Holmes (the historian) for the occasion, that gentleman being the orator of the day.

after which the vessel was again, with great difficulty, repaired at sea sufficiently to enable her to proceed. This was in the gloomy and cold season from September to December; and counting from the time of leaving Delfthaven, it was a voyage of considerably more than *four months'* continuance. The "*ship*" as the doctor calls her, was of the burthen of one hundred and eighty tons; and this fact, in connection with the season—the leakiness—the length of the voyage—the exposure and labour, doubtless, of most on board, who were able to do any thing—and the still more dreadful suffering of those who were not—the crowding of so many with all their luggage in so narrow and so noisome a place,—these things, to say nothing of any effect of the sadness of what had past, and the all but desperate and appalling hopelessness (as at least to other minds it would have seemed) of what was yet to come: these things, if we go no farther, may well excite our astonishment, not only, that but one of the whole number, and he a lad, died at sea, but that many of them retained enough of their vigour and spirits to enable them to endure the still severer trials which met them at once on the shore. What proofs do we see here of a constitution of *body*, worthy of the iron inveteracy with which their souls themselves were mailed.

Immediately on reaching Cape Cod the long-boat was put out, full of males, to explore the coast, and traverse the woods. This was in November, and they continued in that service for about seventeen days; it being so shallow too, where they now were, that "the men were obliged to wade in water over their knees in going to and from their shallop." The women meanwhile went ashore "to wash." When they sailed again, after concluding not to remain in this place, the weather was such that the water froze every moment, we are told, on their clothes. On the 8th of December, when eighteen of the males set off once more in the shallop to explore, they were overtaken by a violent storm of wind and rain, which compelled them to spend the night wet and without shelter upon "Clark's Island," where probably it occupied them the whole of the ensuing sabbath, (the first which was ever observed in New England,) to dry their clothes. Many at this date were suffering under the scurvy. The stormy weather continued, yet "no man was suffered to remain idle;" and such was their industry, after reaching Plymouth, that one half of their storehouse was thatched in four days and a half. Some, subsequently, were lost in the woods over night. The second vessel, the *Fortune*, in 1622, instead of bringing relief of any sort, had spent her provisions on the voyage, and brought only more mouths to be fed. The whole company were now put on half allowance, of such as they had. Mr. Winslow records that even this was wholly spent by

the end of March 1622. The next season Mr. Bradford says, "we have neither bread nor corn for three or four months together." Meanwhile the men were making arduous expeditions by land and sea. The Indians were to be watched. Fortifications were made. Weston's starving scoundrels at Weymouth, were to be looked after. All the wants of a new colony in a word, under the most inauspicious circumstances it would seem possible to imagine, pressed them by day and night; circumstances which appeared quite sufficient to try the metal they were made of, without adding any considerations on the score of their *neighbours*. This name, we suppose, should be given to the colony at Jamestown, in Virginia; and it will be borne in mind that in March 1622, took place the memorable massacre in that region, in which no less than three hundred and forty-seven of their number were destroyed in the most horrid manner by the savages around them. The Plymouth settlers, at this intelligence, built themselves a strong fort on "the hill," the lower part of which they used for a *place of worship*; so critical did they deem their condition to be.

What shall we say, then, of the spirit which sustained this people, through all this, and far more, of which no record is preserved, and which, if there were, no language could describe justly? They did not neglect even their agriculture in their alarms. In the very June following the Virginian massacre, we find that their gardens now "afforded ample supplies of vegetables," and they had planted sixty acres of corn. The noble Bradford says, two years after, when he treated his newly arrived English friends to the luxury of a lobster, and perhaps a condiment of ground-nuts,—"*the long continuance of this diet, with our labours abroad, has somewhat abated the freshness of our complexions; but God gives us health.*" So modestly does he venture to congratulate himself on his escape from a series of hardships which began (in February 1620) with prostrating all but six or seven of the company on their beds. Not one of them in the meantime do we hear complaining. When the May-Flower returned in April, no individual of the settlers expressed a desire to go in her. The blandishments of recollection, and the apprehensions of every moment of the future, added to all which they had suffered already, tempted them in vain. They cared not for house or land, for wife or child, for friend or foe, in comparison with the great purpose which had taken possession of their souls.

It seemed as if Providence had designed that they should be thus extremely tried, from the first. Ten years they had sojourned in Holland, but the mere comfort of that position did not satisfy them. They embarked for an unknown world,

in the worst conveyance, at the worst season, with the worst weather, and the worst luck. They were crowded from two vessels into one. They were damaged twice, and driven back to port. They sail again, and new storms encounter them, which they brave, and push on. Destined for the Hudson, their captain betrays them, and the first land they make is the bleakest of the whole of that "stern and rock-bound coast." Room had been made for them meanwhile by the ravages of disease among the natives some years before, or they never probably could have landed at all. As it was, they were ignorant of the fact, and they saw just enough of them to apprehend justly that it might be otherwise. Then storms, sickness, famine, alarms, beset them on every side. The Indians were howling their curses on the new comers in a neighbouring swamp.* Showers of arrows fell among their exploring parties at times, from unseen hostile hands. If a settler rambled in the woods, the wolves surrounded him, and "grinning and howling at the affrighted man," just suffered him to escape. The store-house, within a fortnight, was consumed by fire. The first governor, Carver, was taken sick, and died, and fifty others were disposed of in the same way. All this, we say, could not move them. They did not forget the worship of their God. They did not neglect their gardens, their houses, their sick. No license was given for the loosely-disposed to avail themselves of the confusion of affairs. The first offence—Billington's "opprobrious speeches,"—was tried on the spot by *the whole company*,—a democracy indeed!—and punished in the presence of the same. Every thing, in fact, went on, as if all beside had favoured them as much as their own "unconquerable will." And more than that. The roots of their resolution but entered their souls more deeply with every gale that beat upon their heads. They grew hardier as they encountered more. They wrapped their prayers around them, (as the traveller in the fable wrapped his cloak,) and braved the blast with energies made only the more watchful, bold, and strong, by all that provoked them, as it were, to reason, and dared them to endure. The secret was, that they had thought of this before, and in season. They were intelligent men, and had counted the cost. They realized that their object in exposing themselves to such a series of calamities, though these were even more than their worst imaginations had conceived, was still the same, and it still transcended them, and made them "light as air." They felt that the freedom which they sought, "freedom to worship God," was even now their own. No calamities could deprive them of that feeling, nor of the glorious

* History, p. 31.

† Ibid. p. 32.

joy it gave them. They feared only to be slaves. They asked only to be free.

We were alluding, when we began this sketch of the sufferings of the pilgrims, to the longevity which many of them nevertheless attained, and cited it as a new proof of the qualifications which those men possessed for their enterprise. This was in 1620, and we find them, as we follow up the record, still lingering to the century's close.

The illustrious *Winslow*, born of an ancient and honourable family (in Worcestershire), and accustomed, doubtless, to comfortable living through early life, exposed himself, after his arrival here, perhaps as freely as any other man;* yet he contrived to endure his hardships some thirty-four years, till 1655, when, at the age of sixty-one, he might justly be said to have fallen prematurely from extraordinary fatigue, added to a fever of the climate, in the West Indies, where he was engaged as a commissioner under Cromwell, on board the fleet of Admiral Penn.

The gallant *Standish* died at his residence in Duxbury, (some traces of which are still, we believe, to be seen,) the year after the death of Winslow, and at what Dr. Thacher calls a "very advanced age." As much may be inferred from the circumstance that somewhere between 1620 (when he lost his wife) and 1623, he married for the second time—the name of this lady appearing that year in the assignment of lands, at the head of the list. This brave man, it is well known, was by universal consent considered by the settlers, immediately on their landing, the military commander-in-chief of the colony, and he soon found occasion enough for confirming the correctness of the choice. Standish, also, seems to have been a man of good rank and name in his own country. Dr. Belknap traces him back to the venerable bishop of St. Asaph, in the reign of Henry VIII. Mr. Davis, in his notes to Morton's Memorial, cites from the old work called "Ancient Vestiges" the remark, that as late as 1707 Sir Thomas Standish was living at Duxbury, which is understood to have been the name of the family seat in Lancashire. It is difficult to imagine how the colony could have existed long without Standish, and his ability was valued accordingly.

How high was the repute of military prowess, occasioned

* We have a detailed account preserved of two journeys which this gentleman made within one year, on foot, across the wilderness, a distance of forty miles to the residence of Massasoit. His companion the second time was *John Hampden*, supposed by Belknap and others to have been the celebrated patriot of that name, who is known to have meditated settling in the colony.

and cherished by the peculiar circumstances of the colony, even among a generation that came

—"not as the conqueror comes,"

may be gathered, we fancy, even from the little fact of the hardy old chieftain's having chosen, or his neighbours for him, to transmit his title, with his memory, down to the latest ages, in the name of the "*Captain's Hill*," an eminence in the town of his residence, which is still well known by that appellation. It reminds us of a place in a neighbouring town (Scituate) called "*Cornet's Rocks*," from the commission of a gallant Mr. Robert Stetson, if we mistake not, who commanded the first troop of horse ever raised in the colony; and whose descendants, by the way, of his own name, in the eighth generation, still remain on the spot. Every reader of the old records will remember the scrupulous respect with which the divers lieutenants, quarter-masters, and sergeants of the times, whose names occur, are allowed the accompaniment of their several titles.

The year after (1657) Gov. Bradford followed Standish, at the age of sixty-eight. He, too, though bred among the yeomanry, and in hardy habits, inherited a large patrimony, and well knew from his education how to feel, as well as how to resist, the difficulties he was here destined to meet. Having lost his first wife by drowning, at Cape Cod, he formed an alliance a few years after with a lady whom he had known in England, and who accepted the overtures of marriage which he made her at Plymouth, and came out to join him. She was highly educated (like many others in the colony), though probably not better than himself, as he was well acquainted with several of the ancient languages, spoke the French and Dutch with ease, and was distinguished among the theological writers of his time.

Mrs. Bradford died in 1670, at the age of eighty. One of her sons, a man of much note as "*Major*" in Philip's war, was deputy-governor in 1692, and deceased, leaving fifteen children, at the age of seventy-nine, in 1703. Mr. Cobb, who died at the age of one hundred and seven, in Kingston, in 1801, (born at Plymouth,) remembered this funeral distinctly. Cobb also was intimate in his childhood with Peregrine White, the first English child born in the colony, who died indeed as late as 1704, at the age of eighty-three. Our author mentions that one of the major's sons lived to be eighty-three, and his widow ninety-three; and other cases are recorded in the history of the family, which indicate that the original constitution was not altogether enervated by the lapse of time. The name has always been distinguished. We have noticed in the old grave-yard on the

hill, in Plymouth, that a monument has been erected to the governor's memory, by some of his decendants, within the last two years.

In 1672 died Mr. John Howland, another of the May-Flower's company, and described in this history as the last of the number who lived at Plymouth. The latter statement has the air of an inadvertency, since we find a notice of the death of Thomas Clark, considered by tradition the mate of the ship, and the first who landed on the island in the harbour, which still bears his name. Howland was about eighty years of age. Clark, who lived till 1697, was ninety-eight, as his tombstone on the hill yet shows. This is the same personage, if we understand it, sometimes called "Silverhead Tom" in his day, from the circumstance of his having been tomahawked by the Indians, (in a house where eleven of his fellows were massacred at the same time,) and having ever afterwards worn a silver plate on his head. The Doctor believes that he died in Plymouth. The Pilgrim's Society have in their cabinet an old mug, which by his descendants is traced back to him; and also a leather pocket-book, with his initials stamped on the cover, to which the same origin is allowed.

The last of the signers of the famous original compact in the cabin of the May-Flower, was John Alden, who died at Duxbury in 1686, aged eighty-nine—another of the same school with Standish, whom he succeeded in his office of treasurer, and not unworthily described by one writer as an "iron-nerved puritan, who could hew down forests, and live on crumbs." His connection with that veteran, indeed, seems to have been somewhat more intimate, as will appear from a reminiscence, which, as our venerable historian has not deemed it beneath his notice, we shall venture to introduce. It is one of those "little things" which we began with saying that we want more of in our histories.

The tradition is—as Alden, one of the old man's descendants has preserved it in his "*Epitaphs*"—that some time after Standish lost his first wife, he conceived a *penchant* for one Miss Priscilla Mullins, described as a daughter of Mr. William Mullins, but not otherwise to our knowledge a person of distinction. For some reason not given, the captain commissioned his friend Alden to act as his messenger in the case. The father was to be first consulted, which was done and his consent obtained without delay. Then the damsel, by his direction, was called into the room, and Alden, whom all accounts represent to have been a very handsome man, delivered his errand in a very handsome style. Miss Priscilla listened—paused—mused—and at length, fixing her bright eyes upon him said, with a smile, "*Prithee, John, why don't you speak for*

yourself?" We will not pursue the details, but it may be easily conceived that the business was soon settled between these two parties. The captain, it is said, never forgave his messenger to the day of his death, but the marriage nevertheless took place, and from this union have issued *all of the name of Alden in the United States*, not to mention a multitude of other names, including the maternal ancestor of two of the presidents of the union.* A grandson of John, who died at his own place at the age of ninety-three, was the father of the revolutionary colonel who was killed by the Indians at Cherry Valley in 1778. Others of the family were distinguished in that war, as well as elsewhere, and the career of the venerable president of the Massachusetts Society of Cincinnati, now the proprietor of the domain at Duxbury, is witness that the spirit of its earlier possessors is by no means yet extinct.

The genealogies of many of the distinguished families we have named, are given by Dr. Thacher in detail; going back, as we have hinted, in some cases, to the heraldry of their fatherland. It is minutiae like these, we repeat, which, at the same time that they forcibly illustrate the richness of our historical materials, make us realize, also, the shortness of our little national life, and the strange rapidity of the results which have come into existence from the date of its commencement.

An apparently trivial discussion connected with the name of John Alden, enforces the consideration again. Alden has been considered by some of his descendants, we believe, a candidate for the honour of being *the first of the company to set foot on the American continent*. How that was, is not a matter perhaps of great moment; but it is of some interest to see such a question raised, and especially to see it determined. It reminds us of our recency, indeed! The Doctor says, that Alden does not appear to have been on board the first shallop that landed at Plymouth. There were eighteen of these, and it is to be observed that *the names of fourteen are recorded*; the others being the gunner, and three common hands. Neither was Mary Chilton among them, though a claim has been advanced among her descendants also for her. This is derived probably from a tradition, that when the ship came into the harbour from Cape Cod, after the exploration of the shallop, she entered the first landing-boat, and looking forward, as they approached the shore, exclaimed, "I will be the first to step on that rock!" a feat which she accomplished, by consent of the crew. This is likely enough to be true, but we do not perceive that the damsel, enterprising as she was, can be allowed to have been the first to tread the soil, even if she was one of the women who

* History, p. 158.

went ashore "to wash" at Cape Cod, which the tradition at least does not assume. Were we to offer an opinion on this important point, it would be decidedly to the exclusion of all the candidates we have heard of, and in favour of the worthy Miles Standish. It is matter of record, that, on the day of their anchoring in the harbour of Cape Cod, the 11th of November, old style, they landed fifteen or sixteen men, to reconnoitre, and procure wood. These men went well armed, and were headed by our gallant captain. Who more likely than he to have disembarked in the van? He was not a man to be *slow* on any occasion, especially where any thing like martial courtesy or personal pride was concerned; and more especially upon one like this. None was more likely, moreover, having done it, to say nothing about it. The captain was neither a talking nor a writing man. He had other things to do.

In the same train of reflection which has suggested our notice of this question, deserve to be included the various memorials, in the shape of relics, which are still to be seen on the pilgrim soil. The company's progress may almost be traced by them, independently of records, like a man's route on the beach by his foot-prints. A fragment of the old rock, of indisputable though only traditional authenticity, still remains in its original bed. The same authority had fixed the site of the store-house, when, about the commencement of the current century, in digging a cellar, sundry tools and an iron plate were disinterred some seven feet below the surface. The Doctor calls it the south side of "Leyden Street," near the declivity of the hill. This street was laid out soon after the landing, and still remains as it then was. The spot of the first burying-ground—the same which tradition represents to have been levelled and sown over the second season, to conceal the number of graves from the savages—may also be considered as identified. Deacon Spooner received this information from Elder Faunce (mentioned above), and the latter, as we have mentioned, derived his knowledge from the first settlers themselves. Mr. Spooner has been dead now some eighteen years. So clear is our communication with our own origin! Tradition, under such circumstances, may be deemed worthy of a place among the sources of history which it has not always held. This rumour is confirmed precisely, it appears, by corresponding statements made by another intelligent and aged person to the learned editor of the "Memorial." That also was derived from the family of Faunce.

Another of these popular rumours has fixed the location of the sessions of the old general court. This was established in Plymouth as early as 1634, when that assembly unanimously voted that their "chief government," as the historian calls it,

should be held there, including the residence of the governor himself, and all the courts which concerned the people at large. The present residence of a citizen of the town in Main street, is understood to occupy the identical spot of these sessions; and it is farther stated that a part of the original timber was incorporated into the present building. The frequency of that practice is certainly sufficient to divest the story of any essential improbability. We think we have heard a venerable citizen of Boston, formerly of one of the neighbouring ancient towns, remark in reference to this custom, that the old mansion of his nativity, still standing, and still in the possession of the descendants of the generation of the first settlement, and of the same name, was considerably *younger, on the whole, some seventy or eighty years ago, when he lived in it, than it is at the present time.* It had then been recently re-improved, according to the economy of the age.

There can be still less doubt respecting the traces, which are yet very plain, of the fortification erected in Philip's war, on the hill, where we have often seen them. This was a gloomy and critical period. The existence of the colony was at stake. All the males, of sixteen and upwards, assisted in this labour; and their alacrity has left a mark on the soil not soon or easily to be effaced. It ought to remain there for the gaze of coming generations; and we cannot but join in the regret expressed by the Doctor, that the famous three old cannon which were first planted upon these ramparts, and precisely one century afterwards upon Cole's Hill as a defence against an enemy of a very different description, should have been so lightly esteemed, as to pass eventually into the use of a forge in a neighbouring village, under the denomination of what is called "refuse" iron! Too many of the most precious memorials of our antiquity are treated in like manner. We are scarcely old enough, on our oldest soil itself, to bear in mind that we have any history at all; or that we are likely to have a posterity who may feel some interest, though we may feel ever so little, in preserving and interpreting, for their own benefit and for that of future time, these palpable and eloquent indications of its eventful stages.

The author of this history, however, we acknowledge with pleasure, is by no means obnoxious to this charge. We cordially give him due credit, not only for the monumental elm he has planted in the centre of the old fort, to nail that curious remembrance as it were to the soil, but for all the little cabinet of historical shells and fossils which his research has disinterred from their privacy, and which his reverence for the spirit of the days and the deeds which they vindicate, has enabled and induced him to allow some humble place in his honest pages. We

sympathize with him as here and there he adds an item to the list : we rejoice with him alike over Mrs. Hayward's Winslow pearl spoon ; over the sitting-chair, once screwed to the cabin-floor of the May-Flower, for the use of a lady who had not yet learned how to walk in a right line at sea,* as well as the one of English oak, its fellow passenger, reputed to have been Governor Carver's ; over the watch-purse of beads, which Mrs. Penelope Pelham made on the voyage, and the little ante-revolutionary powder-house on the north end of the hill ; over the fragment of Governor Winslow's chest, and the mound which shows where "Mrs. Cotton's scholars" set up their fort in the time of Queen Anne's war ; over the helmet-shaped, feather woven, "identical cap worn by King Philip ;" over silver-head Tom's pocket-book and china mug, over the veritable sword-blade used by Miles Standish, iron pot, pewter dish, and all ; over every thing, finally, not forgetting the rich assortment of stone tomahawks, and arrow-heads of bone, every-thing however humble, small or rude, which, ever so slightly, may help to instruct or to gratify the new pilgrims of the far future, who shall come in the days when the least of these little things will have their value, from villages in the ranges of the Rocky Mountains, and from regions of the remotest north and south which bear as yet no better name, to visit that,

"holy ground—

The place where first *they* trod."

Those gentleman, especially if they come upon rail-roads, and, more particularly, if the economy of some aeronautic or other expeditious conveyance should be adopted, will have leisure on their hands, we hope, not only to look over Dr. Thacher's volume, which, of course, will be among the preservations, and, we trust, intelligible to the linguists of such generations, but likewise to examine with their own eyes the musty and cramp records themselves, which he has so diligently studied. They will see there the very hand-writing of the patriarchs of freedom. They may hold in their hands the box which still contains the charter of the Plymouth council, given in the fifth year of Charles I., with the signature of the Earl of Warwick, as president of that body, and the seal of the first James, as king. They may pore over the commission given by Cromwell to Edward Winslow, with the forms of the letters, in the lord protector's signature, perhaps yet remaining, though none of the ink be left. The Old Rock, too, and the Old Hill "where they lie," and the Town Brook which

* Now in possession of a descendant of Peregrine White. A chair supposed to have been Governor Bradford's, is elsewhere mentioned as extant.

Massassoit came over to make his treaty, and the "Captain's Mount," over the bay on the left, and the bay itself—

"The waves of the bay where the May Flower lay"—

all these, and more of the monuments which tradition has made eloquent of the past, and which history will now make holy for the future, will be here, watching

"The bed of the brave who have bled,
And shall guard this ice-bound shore."*

The man who stands in the midst of these eternal memorials, in any age of coming time, must be dull, indeed, if they bring not back to his soul, as in a dream, the whole picture of the past. The very names of all which he sees around him will speak volumes of history. He will feel, for once, the reality, as well as believe in the truth, of the statements, familiar to his ear from his infancy, but yet so much like the dim fables which float over the origin of older nations. He will comprehend the whole story of American progress from its earliest germ. As he stands and gazes from that place of graves, far out on the sea which spreads itself before him, still as it spread "that day," he will discern that one tempest-beaten ship—

"Remote, unfriended, melancholy, slow."

It plunges on through surge and storm; staggering under many a shock, but not destroyed; wavering from its course, but gaining it again; and pressing on, and pressing on. He sees them cautiously approach at last. They advance, retreat, sail up and down along the coast. The prospect is by no means flattering. The hills are covered with frowning woods, or white with snow. No human habitation can be seen. No voice is heard. No sound disturbs the awful solitude, which seems to have reigned here till now from the first creation, but the scream, it may be, of the eagle, frightened from the pine, and the dull dashing of the surf upon the rocks. The skies above them, too, are veiled in gloom. The wind howls through their worn-out rigging. All is desolate. The eye, so weary with the sight of waves, strains itself to find some smoke, some stir, some proof that the *life*, which must have been here once, has not gone out for ever from a land deserted, it would almost seem, even by its Maker. It is the vast silence† of a world without a name.

The little vessel still draws nigh. A small company, of both

* Pierpont.

† We have used the fine phrase of Tacitus, in his sketch of the desolation of Britain, after the Roman conquest—"Vastum ubique silentium," &c.—*Agricolæ Vita*, cap. 38.

sexes, and various ages, may be seen. Presently they throng the narrow deck, and signs of intense interest appear in their movements. The voice of command is heard. The old sails, which have borne the weather of five rough months, are lowered. An anchor is thrown out, with a ready attempt at a cheerful "heave ho!" on the part of a few sailors, who feel that, for the present, they have nearly finished their work. The rest feel that they are about beginning theirs. A continent was all before them where to choose, and they have chosen this dreary spot. They have come, not to find a country, a government, a kindred population, a cultivated soil, a civilized and Christian society, a wide-spread commerce, a warm home, but to make them all. They will this day begin afresh; and it will be a new epoch in the history of the race. From their own loins will spring the populous nations which shall cover this lonely soil. This shattered bark is the type of magnificent fleets, whose sails shall waft into the crowded cities along its shore the wealth of every clime. The embryo of a government has been conceived in that dull and smoky cabin already—in the midst of a shivering group of women and children, affrighted, feeble, moaning, and sick,—a government, the first the world, in its long history of revolutions, and oppression, and bloody struggles, and vain longings, has ever seen, which is founded upon the one clear simple principle, of the will of the people to be governed by themselves.

Two short centuries have past, and all is done. Other nations have, meanwhile, gone on mostly as of old; or the changes they have witnessed have been but a stale repetition of the stale history of slow progress or dull decay. But the curtain has been raised from a new hemisphere. A world has risen from the waves. Millions of happy beings are felling its forests, and tilling its soil; and cities are rising like exhalations on the banks of the mighty rivers, and upon the shores of the sea. Its commerce covers the ocean. Its navy contends with the proud squadrons of the island from which the May Flower has just made her *escape*. The descendants of her company have triumphantly defended their self-asserted freedom from the whole power of the parent empire; and have established a political system which has been for fifty years the model or terror of every civilized sovereignty on the face of the globe. Their descendants!—Aye, the sons of those forty or fifty males, and half of them perishing within the winter! The sons of about as many men, it may be, as there now are free and independent states!

Such, faintly hinted, are a few of the reflections suggested even by the mention of the memorials of Plymouth. No person, intelligent enough to feel an interest in reading any

thing, can read this volume without a sense more vivid than he can have felt before, of the stupendous drama of the history of the pilgrims.

These, however, are but great general results which have been alluded to. There will be to every reader a source of a different but not less lively interest in studying out from its pages—especially if it be the first time that the annals of this ancient colony have chanced to arrest his notice—the minute, daily, domestic, and sometimes awkward development of just dawning or first-attempted notions and experiments (on the small scale adapted to the circumstances of such a place and such a population,) which have since become established and cherished institutions; perhaps a portion of the very framework of society at large, and of government itself. It is amusing, in many cases at least, where a more solid sort of edification is not to be gathered, to trace out these small beginnings and these instructive efforts, of a people so extraordinary as this was; trained by such an experience—so strangely placed—so straitened and yet so stimulated by circumstances wholly unprecedented in history, and only less extraordinary than themselves. The pilgrims have been known chiefly heretofore as the pilgrims alone; but our author has let us into the secret of their very households and hearts. We see now what manner of people they were in all things; what legislators, what citizens, what Christians, what soldiers, sailors, hunters, fathers, husbands, men.

Nor is it by any means to be regarded as mere gossip—the detail which thus introduces them as it were personally to our acquaintance. It is not an idle curiosity alone which feels an interest in such information. These things are the explaining context of their general history, and the running commentary upon it. Their personal character entered largely into their public administration. Their collective progress, and their collective fame, was and is the result of their individual traits. We want, therefore, to scrutinize them. We want to see them at leisure and at home.

Those who choose to pursue researches of this sort will be thankful, we think, for the opportunity offered them here. They will find out things that were never found out before. They will discover the small sources of great virtues; and the trifles which explain great marvels; and the little considerations which more or less extenuate great faults withal;* and

* We need not perhaps more specifically state that, whatever eulogy we may pass on certain passages in the history, or certain principles in the character of the pilgrims, we intend to furnish no pretext for a just accusation of being blind to their faults. Some of them were great ones. But this topic has been elsewhere pretty thoroughly discussed,

they may criticise and analyze and apologize at their ease. This is the charm of history, after all. It is to be furnished with the facts, not with a collection or a selection of them, according to the taste, and still less according to the theory of the compiler; but with all of them. It is to know men and things as they were, and are. Let the writer do this whatever he may do more. He may philosophize if he pleases, and as he pleases, but he will be no blind guide leading the blind. His readers may pass judgment on his philosophy and his facts too. They may philosophize for themselves.

Dr. Thacher has conducted his enterprize upon this principle, and there never was a better occasion to do so. As to the pilgrims of Plymouth, above most other men, we want as few hypotheses and as many facts as possible. It was essentially itself a trait of their character, and an indication of still more, that their character appeared in every thing they did and said, and in many things besides which they did *not* and said not. Nothing about them is unimportant. The great things give us the *measure* of such men, but the little things give us the *likeness*—the *life* itself. The same remark applies to customs, laws, institutions, events, to whatever is the legitimate subject of such a history as this.

There is an infinite interest of this description, for example, in tracing back the peculiar elementary principles of government and its administration, which chiefly distinguish our own country from all others of ancient or modern times, to their germ in the glorious little compact of the May-Flower's cabin. Would it were yet possible to revive with it all the details of that occasion;—the hour, the ceremonies, the spectators, the comment, the whole scene; and, most of all, the discussions—of principle—of policy—of consequences—which must have preceded and attended and followed, day after day, and month after month, the consummation of the deed. Then, with its own soil around its roots would it *live*, in truth, with all its primal freshness, in the minds of men.

Still much remains; the instrument, the fact of its execution, the names of its signers, the season of its birth; just enough, perhaps, of the reality of the whole proceeding to interest the imagination and the reason most in the effort of completion. The *effect* of the measure, we need not say, is a topic not likely to be soon exhausted. It is essentially inexhaustible. Time only can develope it in full.

This, at least, we can know. We can learn here, as far as the facts are furnished, the true character, the private life as it

and it is not of either so agreeable or so indispensable a character as to demand a fresh enforcement here.

were, the sources, the operation of one thing which we can study no where else as well ; and that is, as Mr. Baylies calls it in his history of the Old Colony, "*pure, unmixed, and perfect democracy.*"

The pilgrims were not men who talked and wrote idle words. They were no theorists. Their very words were acts. They pledged themselves with their pens, and then acted their pledges out. On the basis of the bible, (as they supposed,) and with the will of the majority as their first political principle, they set up a government for themselves, which the compact had already shadowed forth. That compact was their constitution. They adopted no other. That instrument recognised a general allegiance to the king, but it left all power to be exercised by the whole body of associates ; and it was so. It was exercised with a directness and a simplicity scarcely to be believed. No preliminary laws were enacted, even for general organization. No use was made till 1633 of their *patent* privilege of law-making at all. Crimes and punishments were not even declared or defined. John Billington, as we have seen, was tried by the whole company. So were the two servants, guilty of fighting a duel—the first ever fought in New England, and the *last* too in the Old Colony, so far as we know. The governor, indeed, remitted their sentence after they had been tied head and feet together for an hour. This was discretionary, as the governor and assistants indeed maintained most of their little authority by virtue of common and continual consent. These were the only magistrates. The governor for some time had been alone ; Mr. Carver, whose name is at the head of the signers, having probably been at that time designated for the office by the company ; while the military department was, with the same unanimity, though perhaps with still less form, assigned to Standish. These men were the best qualified, and were therefore chosen. They accepted on their own principle of obeying the majority,* and upon that principle were also obeyed. All affairs which they could attend to, were left with them. The fewer officers, it was thought, the better ; the colony intended mostly to take care of themselves, and to take care of their officers besides. The office of justice of the peace was unknown. After the company grew tired of trying crimes in person, juries were selected out of the whole body, and these performed their duties in the general court, when that came to be established. As the population increased, and the settlements extended, officers and laws of course were multi-

* Very often, as these records show, with great reluctance, and probably at considerable sacrifice. There was no office-hunting in those days.

plied. The application of the first principles was pursued in details and modified by circumstances, as the general good, still interpreted by the general voice, required that it should be. And so, step by step, the machinery of our republicanism was wrought out and set in motion and tried and re-tried, and improved on, and finally established or set aside.

The jury was "ordained" in 1623. An execution took place under its action, in 1630; that of the same Billington whom we have named as the first offender; a fellow incidentally shuffled into the company at London, and rather remarkably indicating by his history the difference between their character and his own. The crime was murder. A grand and petit jury both, are mentioned on this occasion. It also appears that advice was asked of "Mr. Winthrop and others, the ablest gentlemen in the *Massachusetts Bay*," who all agreed that the culprit ought to die. The capital offences were declared in 1636, when the "general fundamentals" were agreed on. Four years after, the patent of the colony was surrendered to the freemen of it, and they proceeded to act as a strict independency. Constables and constable-wicks were established. A general assembly for legislation of all the Plymouth towns was held, on the 4th of June, 1637. In 1641 public provision was made for the poor. In 1643 took place the memorable *first union of the New England colonies*, at Boston; a confederacy, by the way, recognised and countenanced, without exception, by the royal authority, till the Restoration. In 1649, seven "discreet men" were chosen to attend to certain specific duties, and the affairs of the town generally—being, in fact, though not in name as yet, the first "select men;" and this responsible function was subsequently past upon more in detail, at various times. Imprisonment for debt was authorized in 1668, for preventing the diversion of the execution of justice by fraud or coven. Gradually we find mention of coroners, tythingmen, raters, commanders-in-chief, with all the minutiae of military titles, and agents, and commissioners, and many more. Councils of war, courts, sessions, counties, inquests, schools, taxation, and other links of the grand system emerged and grew slowly into shape, till at last, when it would seem to be once fairly matured—the experiment tried—the circumstances passed and passing away, which both suggested and required, and which alone required the existing state of forms—the venerable old government waned calmly to its close, and falling into the arms of its younger neighbour and best friend, the colony of Massachusetts, breathed its last at the age of seventy-one years, in the autumn of 1691.

Our historian has written a just epitaph, over the grave of this "novel and primitive government." He appreciates the

"melancholy grandeur," of its history and its extinction, as being, like the condition of affairs which surrounded and sustained it, as the flesh invests the skeleton, without a parallel in the annals of the world. Here, in fact, as President Dwight has remarked, began all the institutions by which New England, at least, is distinguished; many, if not all of them, passed through various stages, and their progress may be seen from step to step, till they end in the mature result. Thus all the modifications and experiments upon the tenure in land, including a fair trial of property in common, settled down into the system of free socage. Thus the right of suffrage was finally wrought out. Thus towns, with all their traits, were established; and the systems of legislation and representation, and schools, and religious polity, devised, which have proved the foundations of a structure of society unsurpassed in principle, and unequalled in prosperity, as at least its own members would fain believe, by any which the world has ever seen.

The purity of the spirit with which this government was administered is scarcely less remarkable than the government itself. The indications are very frequent and striking throughout of the supremacy, over all other motives, of a few certain principles of primary rank, none of which, nevertheless, it may be said with safety, have been developed with equal distinctness in any considerable instance which history records. All may be resolved perhaps into the fear of God, and the love of liberty; both intimately interwoven with each other, as with all the subordinate principles which resulted from them. It was these which suggested the great enterprise of colonization. These were the "*fanaticism*," as a modern writer—one of their descendants, we presume—has ventured to call it, which sustained them in surmounting the almost inconceivable difficulties which attended it. If a passion to be free, and a determination to be so,—if, especially, a preference of the accomplishment of that divine destiny which man was made for, over every sensual consideration which makes and has made other men *slaves*,—if this be fanaticism, they were fanatics in their scheme of founding a country which should be, and which has become, through their "*fanaticism*," not a refuge only for themselves and their descendants, but a "*great realm*,"—"an imperial patrimony of liberty,"—as Mr. Everett called it, the first effectual counterpoise in the scale of human dignity, an asylum for the statesmen, the generals, the princes and kings themselves—all the victims of tyranny in every elder clime;* a grand theatre, through future time, for the vindicating, and the showing forth to the world's gaze, of the destinies and rights

* Mr. Everett's Plymouth Oration, of 1824, p. 9.

of the race. This was the fanaticism of their purpose. It was the fear of God above the fear of man, and the love of liberty above the love of ease. It was the soul which could discern the accomplishment of their design, vast and remote as it was, through all the clouds that lowered above their heads; and which could appreciate the difficulties also; and which, seeing both, resolved, with God's blessing, to accomplish the object, or to perish in the effort. A superior enthusiasm,—a glorious passion,—a far-reaching intelligence, beyond the power of the age they lived in, but not we hope of *this*, to appreciate—these we *can* see; but the fanaticism which has been discovered in their enterprise, we do not comprehend. We shall not probably, nor we fancy will their descendants generally, be brought to that amazing pitch of wisdom, till at least we can be made to understand the falsity of all history on the subject of the circumstances which induced them, men as they were, to sacrifice, for the great objects we have named, almost every thing in their own country which men hold dear; and to understand also where better they could have gone, or what better they could have done, for the rescue of themselves, and of their posterity, and of the rights of all mankind, from those circumstances, and from all others, of like kind, which stand, by a needless necessity, in the way of a free developement and exercise of the destinies and faculties of human kind.

This, however, will be deemed a digression, and we confess that a paltry phrase has occasioned it. We were saying that the two great pilgrim principles were the love of liberty and the fear of God. It would be a labour of deep interest to trace out, as the materials before us enable us to do with a new facility, the operations of these motives in various forms; how especially they were, or were meant to be, evidently and essentially, the life and spirit of all their systems within systems of civil, literary, personal, and religious polity, and how, of course, a grand harmony exists, and may be found, among them all. This investigation, however, would lead us too far; and the materials we refer to are not in our hands alone, but in those of the community at large. They are rich data for a just appreciation of the true character of a generation, on the whole, the most remarkable, and of a career also the most signal and important to the world, of which any record has preserved a sketch. They will bear to be studied, and we hope they will be studied still more than they have been. We owe it to ourselves from the relation we hold to them, if not to them for what they have done for us. Every American, at least, should be master of the History of Plymouth.

ART. XI.—*Special Message of the President of the United States, transmitted to both Houses of Congress, 8th Feb. 1836.*

"The peace of a nation does not depend exclusively on its own will, nor upon the beneficent policy of neighbouring powers; and that nation which is found totally unprepared for the exigencies and dangers of war, although it come without having given warning of its approach, is criminally negligent of its honour and duty. I cannot too strongly repeat the recommendation, already made, to place the seaboard in a proper state of defence, and promptly to provide the means for amply protecting our commerce." Such are the words of wisdom which occur in the special message of the president which we have placed at the head of this article. There are few persons who love their country and are alive to her interests and honour, who will be disposed to gainsay their truth or withhold their testimony from the fact which so many considerations of paramount importance combine to demonstrate, that the moment, so long and so fatally deferred, has at length arrived for the creation of a navy.

When our history as a nation so gloriously commenced, in the war of the revolution, the consideration of the advantages of a naval force for the annoyance of the enemy, engaged the attention of the sages who guided our destinies during that eventful era, and led to the appointment of a naval committee by congress, charged with the creation of a navy. The power vested in this committee was subsequently delegated to commissioners, and eventually to a board of admiralty. The force provided under these auspices, was of an extent inconsiderable, in accordance with the poverty of our resources: yet the enterprise and hardihood of our seamen did not fail at that early period to assert themselves, in a species of partisan war confined to our coasts, with an occasional encounter on the ocean, in which the achievements of Jones and his compeers were significant of the future glories of a Decatur, a Hull, and a Perry.

When the war closed with the acknowledgment of our independence, the commercial energies of our people were released from the colonial bondage under which they had so long withered. We had inherited all the maritime tastes and capacities of our forefathers, and our geographical position along the coast of a vast continent, rich in valuable natural productions suited for commercial exchanges, and teeming with materials for the construction of ships, at once impelled us to enter that career, which has brought us, after the brief interval of half a century, to the rank of the second commercial power.

Our navy had almost entirely expired at the close of the

revolutionary struggle, and an annual appropriation of thirty thousand dollars alone preserved the feeble remnant of its vitality, in the midst of a rapidly extending commerce. The Barbary powers, whose cruisers then prowled over the Mediterranean and the coasts adjacent to its mouth, were not long in discovering that the richly freighted vessels which they encountered under a new flag, were destitute of the protection of a navy. On the withdrawal of a Portuguese force which had restrained the rapacity of the Algerines, and, actuated by a dictate of humanity, had extended its protection to the peaceful traders which our government failed to defend, these rovers put to sea and in a brief space captured and carried in eleven American ships, consigning no fewer than a hundred of our fellow-countrymen to the horrors of captivity. The sympathies of the American people were doubtless excited in their behalf; but the government, which notwithstanding its popular character, seems to have, as much as any other, and more than some we might name, the attribute of being ever behind the feelings of the people, was in no condition to put forth a strong arm of relief, any more than it had been previously able to extend that of interposition.

In 1779, being several years before these occurrences, an act of congress had been passed authorising the appointment of a secretary of the navy, and the construction of six ships of the line with smaller vessels; and an appropriation of a million of dollars was made towards carrying these measures into effect. The construction of these ships was arrested by the peace; one, we believe, was finished, and presented to the king of France, and the materials for the rest sold. At any rate there was no navy to redress the wrongs of our captured countrymen, or to protect the lives and property of such as remained still at liberty on the high seas. It was therefore resolved that a navy should be provided, and that six frigates should be built and ten galleys purchased for the chastisement and repression of the corsairs. Whether it were found cheaper and more congenial to our national policy to purchase the forbearance of these pirates by tribute money instead of cannon balls, this force was never equipped. There was a jealousy of the navy, and the expedient of its creation had been but a temporary one. The materials were sold with the exception of those used in the construction of three frigates, which were already advanced towards completion. It would have been an expensive process to break them up and sell them piecemeal, and in their then form they were not a marketable article; as an only resource it was therefore determined to retain them. These three frigates which we could not sell, were the *Constitution*, the *United States*, and the *Constellation*. Each of them has upheld the

flag of our country—how honourably, let history declare! The Constitution was in the brief interval of two years three times victorious over the mistress of the seas. Is there a name in the whole course of our annals that awakens such proud and noble emotions as that of Old Ironsides? The sum of money which should repay us for the sale of this ship and the enduring capital of glory she was destined to accumulate for us, and of which no after circumstance can rob us, is not an inconsiderable one; it is somewhat more than the surplus revenue at any rate. This may be expended for purposes glorious or inglorious; or it may escape detection when we come to look for it, and vanish into thin air. But the glory won for us by the Constitution is consigned to the safeguard of history, and is imperishable. And here it may be curious to observe how early our capacity for the creation of a navy was developed by the complete success of these first experiments. All these ships possess admirable qualities; for they still exist, reconstructed indeed from time to time, but without variation of model. At the very first step in our naval construction, we attained a degree of perfection which we have never been able to surpass.

The propriety of the act of 1794 which authorised the building of six frigates, became soon after sufficiently manifest, attended doubtless with lively regrets that from economical motives only three of them should have been completed. In 1798, but four years after the passage of the act authorising the construction of the frigates, and of course a much shorter time after those changes in our councils which led to the sale of the materials of three of them, our relations with France became disturbed in consequence of her encroachments on our neutral rights; the necessity of a navy became apparent, and an act was passed to authorise the president to build, buy, or hire, twelve vessels of twenty guns each, for the protection of our commerce. To build them in time for the emergency, when that emergency had already arrived, was of course impossible; they were therefore bought or hired from the merchant service, with such defective adaptation to warlike purposes as may easily be conceived. In tracing even a few of the more prominent fluctuations in the action of our government, the necessity of having a navy being enforced at constantly recurring intervals of three or four years, by the captures of our ships, and oppression of our countrymen, and succeeded, when the emergency was temporarily over, by a jealous and sordid feeling towards the service, and the alternate buying and selling which attended these fluctuations, one would be astonished and baffled at such hopeless stupidity, could not the same course be discovered throughout our legislation down to the present day. It is not long since we have seen a "flying squadron" of small

and ill-constructed vessels purchased for the service at high prices and sold again at an under value, without having rendered the least benefit ; and quite recently we have had our " musquito fleet" of Baltimore wood boats, bought and commissioned, and sent to cruize against the West India pirates. Many of these vessels were constructed entirely of pine, even to their timbers ; all of them were unsuited to the navigation of the open sea, or any waters more boisterous than those of Chesapeake Bay. Yet they were sent out ; and the loss of three of them (two with every soul on board), will, we hope, furnish a sufficient lesson against such purchases hereafter. Our ships of war must be built in seasons of leisure, not purchased in moments of emergency.

These ruinous errors in the early stages of our navy were not, however, committed for want of wise and prudent men engaged in the councils of the country to call the attention of congress to the necessities of our condition. In the report of the secretary of the navy in 1798, we find the following passage :—

"The protection of our coast, the security of our extensive country from invasion in some of its weaker parts, the safety of our important commerce, and our future peace, when the maritime nations of Europe war with each other ; all seem to demand that our naval force should be augmented ; so much augmented, indeed, as to make the most powerful nations desire our friendship, the most unprincipled respect our neutrality. The peaceful character of America will afford to the world sufficient security that we shall not be easily provoked to carry the war into the country of an enemy ; and it will become the wisdom of America to provide a cheap defence to keep it from our own."

In view of considerations so paramount as these, it seemed about to become the settled policy of the country to have a navy sufficiently formidable for the protection of our extended commerce, and it was determined as a step towards it, that six frigates should be kept constantly in commission for the defence of our merchant ships, and as a school for the formation of officers. This policy, however, as in so many previous instances, was almost immediately abandoned ; and even after we had been involved in new difficulties with the Barbary states, and compelled again to purchase in a hurry such vessels as could be procured, at prices regulated by the urgent necessities of the purchaser. In the haste and confusion of creating, in a few months, a navy, which required the growth and nurture of years to bring it to maturity, every thing was paid for at extravagant prices ; ships built of green timber were put together at high wages, proportioned to the sudden demand for so much extraordinary labour ; whilst those which were purchased, were paid for in most instances beyond their value, and subsequently fitted for the service at great expense. At the termination of

the particular conjuncture which had called for the armament, the vessels being found unfit for the service were usually sold at ruinous prices, in strong contrast to their recent cost. As a single case in proof of this, it may be sufficient to instance the vessels bought under the act of 1798, which cost the sum of \$648,432, and at their sale, less than three years after, yielded but \$275,767. This example is but a fair specimen of the series of disastrous expedients which, under the pressure of constantly recurring emergencies, were resorted to from year to year as a substitute for a navy of regular and healthy growth. The waste and dilapidation which rendered our navy worthless, were also the causes of its unpopularity. Had a steady, uniform system been adopted at the commencement of our national career, and been gradually sustained in peace and in war, with the growth of our country and the extension of our commerce, we should have had, with less expense than was occasioned by these abortive armaments, a navy ample for the protection of our neutrality during those desolating wars which had their origin in the French revolution, and the rival ambition of France and England. We have always entertained the opinion that an American fleet of ten sail of the line and an equal number of frigates, cruising in the British channel and showing itself by turns to the belligerents of either party in the strong attitude of the champion of our own neutrality, would most effectually have protected it. Such a force, ready to be turned against either combatant offering us offence, would have been respected by both parties; it would have rendered our friendship desirable, and our enmity formidable. Nations like individuals do not go out of their way to seek cause of quarrel with those who stand ready to defend themselves; and the attitude of preparation to resist injury has something in it which excites both awe and respect, whilst the spectacle of unarmed and undefended wealth is too tempting to escape the cupidity of stronghanded and unprincipled belligerents.

If it be asked whether the interests we had at stake were sufficient to justify the support of so formidable an armament, it may be sufficient to state that our tonnage exposed on the high seas amounted to nearly a million of tons in 1800; our annual exports to about forty millions; which by the development of our trade were increased in 1805 to one hundred and eight millions of dollars. These enormous values, and our industrious and peaceful citizens who conducted them, would have been protected in their lawful transit on the high seas by the exhibition of such a force as we have named, at an annual expense of six millions, including the interest on the investment, the wear and tear, and the cost of maintenance in active service at sea. We are happy on enquiry to find this broad

opinion corroborated by that of a coteremporaneous statesman, who, in 1798, stated his perfect conviction, "that twelve ships of seventy-four guns, as many frigates, and twenty or thirty smaller vessels, would probably be found, our geographical situation and our means of annoying the trade of the maritime powers considered, a force sufficient to insure our future peace with the nations of Europe."

If this opinion had prevailed in our national councils of those days, and been carried into effect, we believe most devoutly that this country would have been saved from the ruinous spoliation on her commerce by England, and France and her cowering allies, amounting to an aggregate of nearly seventy millions; from the attendant detention and ruin of our citizens, and the national impoverishment resulting from lost capital and ruined resources; from the war with England, by which we expended in armaments one hundred and twenty-eight millions, lost by diverted labour the sum of fifteen millions, were cut off during a succession of years from our annual exports of fifty millions, and by which finally we were subjected to the invasion of our coasts, maugre the one hundred and seventy gun-boats that protected it; to the desolation of our shores, the suspension of our settlements in the west from a dread of the savage allies of our foe, and the general suspension of enterprise throughout the land. All these losses, together with the loss of that national honour, which was only subsequently bought back by the blood of our countrymen, we contend would have been spared us by the timely creation of a navy, growing with the growth of our commerce, at an annual expense from the year 1798 of only six millions of dollars.

But instead of arming for our defence when assailed by the rapacity of the French and English belligerents, instead of fitting out a force sufficient for the protection of the property of our citizens exposed on the high seas, we determined to withdraw that property, to arrest our enterprise, to pass from a condition of unbounded action and vitality to one of self-suspended animation, (thereby waging a war against ourselves, more ruinous than that of our assailants,) and in short, to exhibit to the world the whimsical spectacle of a nation seeking safety by shutting itself up like a tortoise within its shell. Our position was most undignified and no less disastrous. Injuries and contumely sought us out and bearded us on our coast; we had to fight at last, and to fight unprepared and with every discouragement. The circumstances under which we commenced this war, from which there was no outlet of honourable escape, were almost ludicrous. We were in a situation to send to sea seven frigates, three sloops, and eleven brigs and schooners, besides rejoicing in the possession of one hundred and seventy

gun boats. England had at sea ninety-six ships of the line, one hundred and fifty-one frigates and two hundred sloops; and on the American coast the overwhelming force of seven ships of the line, twenty-three frigates and seventy smaller vessels. Yet, enormous as was the disparity, we sustained an honourable struggle; wherever ship met ship on terms equal or nearly approaching to an equality, we were in almost every instance victorious. The glory which our little navy gained for us in that eventful struggle, healed the wounded honour of the nation, and was accepted as an off-set to our national misfortunes. We fought our way to self-respect, as well as to the respect of our enemy and of the world; building up a name which, backed by an attitude of preparation to sustain it, will do us good service in all time to come.

Having thus settled our national quarrel with England, and obtained from her sense of justice and probity the liquidation of some additional claims, it remained for us to seek redress from France for injuries scarcely less serious, and which might, with equal propriety, have led to the last resource of arms, had not our national resentment been restrained by the remembrance of valuable services in our war of independence, rendered doubtless more with the desire of doing harm to England than good to us, yet still entitling her to our gratitude and friendly forbearance. We have since continued, during many long years, to present ourselves as suppliants for justice at the bar of an evasive creditor, contented, during the interval, to hear ourselves ridiculed from her tribunes as mendicants and money-hunters, until, by persevering importunity, we had extorted from her a promise to return a portion of her plunder, abated of all its probable results of intermediate reproduction. Even the fulfilment of this promise her armament has emboldened her to withhold; unwilling herself to embark in a ruinous war, which every principle of policy rendered inexpedient, though prepared for it, she would not believe that so calculating a nation as ours would rush into conflict on a point of honour, without preparation. Our position with reference to France during this crisis, has been a false one. With a tonnage of one million six hundred thousand tons, with a value of not less than four hundred millions of dollars annually exposed without protection upon the ocean, and coasts undefended by fortifications, or the surer and better safeguard of a formidable fleet, we have held out to France that temptation for a sudden coup-de-main, which her past history shows that she is so little able to resist. Our trade, exposed to the assault of the French navy and the piracy of the world, would have been exterminated, and our inconsiderable fleet crushed and driven from the seas. At the end of two years our immense

naval power, though now latent, exceeding that of France in the exact ratio of our commercial marine to her own, would have had time to develop itself, and those resistless energies of our countrymen, diverted from the peaceful channels in which they have hitherto run with such brilliant results in the career of production, would have turned against her with a power which nothing could arrest, until swept from every sea, stripped of her colonies and blockaded on every side, she would have been driven to sue for mercy. Yet the evils of war would previously have borne hardly upon us. Not protecting ourselves, though possessing all the means of self-protection, we should have beheld our commerce destroyed, no inconsiderable portion of our national wealth snatched from us, and our seamen carried into captivity; our territory too, where assailable, would have been invaded, and the slaves and savages of our southern frontier would have been excited to carry on the war with sanguinary atrocity.

By no means the least evil of the false position in which we would have found ourselves in the event of a war with France, would have grown out of the circumstance of our enemy being even better acquainted with the condition of our fortifications, the topography of our coasts, and their most assailable points, than ourselves. Without any disparagement to the late head of the engineer department we may ask, would he have withheld his services, on a royal demand too, from his native country where, under every class of sovereigns, legitimate or self-created, subserviency has been ever unbounded? To judge by past examples of the facility with which chieftains of the imperial school have transferred their allegiance, is there the least probability that he would have failed thus to requite our hospitality? The predicament in which this individual would have been placed in the event of a war between the two countries, shows the fatal consequences that may result from the admission of foreigners to any office whatsoever. We should never run the risk of warming in our bosom that which may hereafter turn upon us and inflict a death-sting. We think that no alien should even be permitted to vote here. Where the sovereignty so entirely resides in the voter, he should not merely be pure and intelligent, but animated by an inborn patriotism, not enkindled by self-interest in maturer years. Let us concede a hospitable asylum, together with security of life and property, to those who take refuge on our shores from the hunger and oppression of other lands; but reserve in our own hands the power which is the only safe-guard of that liberty, which might be jeopardized if entrusted to aliens; let us place none in the false position of having hereafter to choose between treachery to the land of their birth or to the land of their adoption.

If we have escaped from the crisis which so lately threatened us, it is only after years of alarm, which, if it has not interrupted our commerce, has at least occasioned it to be pursued with anxiety; while fluctuations have been introduced into our moneyed securities, prejudicial to the fortunes of the mass, and favourable only to speculators. The whole discussion would have been wonderfully simplified if a formidable navy had lain ready in our harbours to give effect to that national manifesto, to which our unprepared condition imparted the air of an empty menace. Those who have been attentive to the French debates must have observed how our antagonist confided in our weakness and his own developed power; how he insisted on our unwillingness to incur the ruinous expenses of a war for the sake of obtaining a small sum of money; how he spurned the idea of our being actuated by a motive of national honour. In this respect the character of our country, estimated by opinion in our commercial cities, or by arguments nearer home, is little understood in France. France, in which the right to vote is conferred by property alone, which is governed by a constituency of the rich, might well shrink from the expenditure of a protracted war; but in America, where the sovereignty resides, not in a wealthy few collected in cities, not in a mercantile class, likely to be ruined irretrievably by the results of a conflict which might leave it stripped of its wealth, the case is widely different. To what extent would the mass of cultivators, scattered over our immense territory, be affected by a contest which would still leave them at liberty to cultivate the lands of which they are not tenants at will, but sturdy proprietors, and to live on in competency upon the fruits of their honest labour? As the government here resides in part in each individual, so each brings to a national quarrel the same sense of honour which would impel him to assert his dignity in his own. We think that no nation of the present day would be so likely, on this account, to stand upon the point of honour, and, if necessary, to go to war for its assertion, as the United States; and we think that it might save a great deal of after trouble to this and other nations, if the fact were as well understood abroad as it is at home. As for a war between this country and France, to say nothing of our infinite superiority in maritime strength, our government, firm in a system against which infernal machines are powerless, reposing as it does upon the broad basis of universal suffrage, would shake down with ease a tottering usurpation, perched on the unsubstantial foundation of a quarter of a million of stock-jobbing and office-seeking intriguers.

The war-cloud has, however, passed for a season from our horizon. Thanks to the manly energy of a chief magistrate,

who, on this subject at least, carried with him the almost unanimous adhesion of his countrymen, we have secured justice while we asserted our honour. If, however, the crisis is passed, its having existed is an evidence that others are to come. In this respect the history of all nations is the same; and our own annals, so eloquent of misfortunes, having their origin in our united exposure to plunder and culpable inability to protect ourselves from it, urges us to arm for our defence. Our government is justly liable to the charge of being inattentive to the most sacred of its duties, the protection of the lives and properties of the people who have constituted it for their safeguard. Economical of money, it is often prodigal of blood; not of the blood of its soldiers and seamen, but of the blood of its peaceful citizens, abandoned to the ruthless cruelty of a savage foe. Is it not enough to make the heart bleed to contemplate the condition of our countrymen in Florida; and yet their fate may to-morrow become that of our countrymen at any portion of our extended frontier! With an army of six thousand men to guard our coasts and protect our borders, economy looks with a jealous and sordid eye to almost the only useful and generous establishment which is permitted to exist. We have seen the ruinous consequences of that false economy which withheld the small expenditure necessary for the support of a navy in times past for the protection of our commerce; in our own day we may witness the destruction of millions which are as much national wealth as the paltry sums which, if applied in season from the treasury, would have spared so awful a calamity.

In view of these facts, with the errors of the past so glaringly before us, let congress not close its present session without providing for the complete protection of the lives and property of our citizens. Let it carry out the recommendations of the secretary of war for the defence of the country, contained in his eloquent and convincing document of the 7th April last, and it will provide a safeguard, suited alike to protect us from insult and aggression.

Let us then establish from this day, the broad, the safe, the economical, the honourable principle, that spoliations on our commerce and assaults on our national honour, shall be prevented at the time by a prompt display of protecting power. It is enough to have hitherto offered to the world the pitiful and unworthy spectacle of a strong nation, unarmed through a spirit of false economy, after tempting the strong-handed to spoliation, presenting ourselves as suppliants for justice at the feet of our assailant, and wearying him with oft-repeated petitions, until something remotely approaching redress has been obtained. Let us henceforth stand ready to protect ourselves

by cannon shot, from the stout sides of the Pennsylvania, the Delaware, the Ohio, and other noble and worthy representatives of the states, to whose names they will do no dishonour, instead of by paper bullets, discharged and returned again without other result than damage to our national character through long years of discussion. Instead of repeating the ludicrous spectacle of the tortoise taking refuge in his shell, let us hereafter present ourselves to contending nations in the noble and imposing attitude of some antique statue of Achilles, armed and defended at all points, with calm and serene demeanour, threatening nothing, dreading nothing: yet equal to either fortune.

In much that relates to the organisation of our navy, we cannot do better than follow the example of the great maritime country from which we derive our origin. Especially may we do so with advantage in whatever relates to the protection to be extended to commerce and those engaged in it. The moment that any part of the world becomes the scene of conflict, we find her cruisers repairing at once to protect the lives and properties of British subjects, and to interpose between them and danger, while engaged in building up the wealth of the nation with their own, the ample shield of British power. We are sorry to admit that, though our government springs directly from the people, and the sovereignty is only vested in it for the public good, our navy does not extend any commensurate protection to that commerce, by which, in common with the whole of our federal expenditure, it is solely supported. This is not owing to the want of corresponding zeal in our officers, but of an adequate force, stationed at every point where our interests may be assailed. To remedy this deficiency, congress should, before the end of its present session, make provision for the immediate equipment of a force sufficient to extend effectual protection to our commerce in every sea.

The amount of this force should be regulated by the extent and value of the trade to be protected, the relative proportion which the navies of other maritime countries bear to their commercial marine, and the necessity of keeping at all times a sufficient school for the instruction of our officers, and a supply large enough to be increased, within a year or two, to the full measure of our naval capacity. There are no fewer than seven maritime nations which maintain in commission a navy superior to our own. These are England, France, Russia, Turkey, Holland, Sweden, and Egypt; possibly we might add to the list Muscat, of which we have only heard since yesterday, and whose sultan, on the recent occasion of the grounding of one of our public ships on his coast, magnanimously offered to send

one frigate to the United States with her commander and crew, and another with the diplomatic agent, whom the injured vessel had been conveying, to prosecute the object of his mission. Admitting that there was greatness of soul among us for such liberality, could we, on the spur of the moment, place at the disposal of the commander of the vessel of a friendly power, stranded on our coast, two frigates, in immediate readiness to be despatched to sea? Though there are, then, no fewer than seven nations numerically our superiors in naval force, as the two most powerful of them, namely, England and France, are alone in a condition to cope with us on the ocean in the event of a struggle, and alone in a position at all analogous to our own, we shall make them the basis of our estimate of the proper armament to be kept in commission by us in time of peace. Since we have been a nation, the only assaults upon our commerce, excepting the petty piracies of the Barbary corsairs, have come from the navies of those two nations, and from them alone are assaults likely to come hereafter. There is, therefore, a peculiar propriety in making the navies of England and France the basis of any estimates for our own.

The navy of England in commission during the past year, amounted to fourteen ships of the line, fifteen frigates, fifty-one sloops, twenty-five brigs and schooners, ten surveying vessels, and twenty-one armed steamers. If her naval power were stretched to the extent of its capacity, she could possibly have at sea, within two years, six times the force above enumerated. The navy of France in commission, is ten ships of the line, thirteen frigates, and eighty-eight smaller vessels, including twenty-three steamers. If armed to the extent of her capacity, she might probably send to sea, within two years, four times her present number, though by no means so well manned as that which is now in active employment. Our navy in commission will amount, with the appropriations for its increase, already voted by congress, to two ships of the line, seven frigates, fourteen sloops, and seven smaller vessels. This force might be extended, within a year, from vessels already built, as are all, and more than all, those belonging to France and England, contained in the previous estimates, to eleven ships of the line, eighteen frigates, fifteen sloops, and ten smaller vessels. What an enormous disparity does this statement show between our developed and available force and those of England and France! Is this disparity in harmony with an equal disparity existing between our relative amount of property exposed and needing protection on the high seas, and our intrinsic naval power? By no means! The property of England afloat may be estimated at from five to six hundred millions of dollars—that of France, in her own bottoms, at less than three hundred

millions—and that of the United States at more than four hundred millions.

The tonnage of England amounts to two million six hundred thousand tons; that of France, to four hundred and ninety-five thousand, coasters and fishermen included; and of the United States, to one million six hundred thousand tons. England has one hundred and sixty-five thousand seamen; France claims sixty-six thousand; and we have one hundred thousand.

Supposing the relative maritime strength to be in the ratio of the tonnage, our capacity to support a navy is to that of England in the ratio of three to five, while it exceeds that of France in the ratio of three to one. As for the materials which enter into the construction of ships, we possess these, within our own extended territory, superior in quality, and greater in abundance than any other power, whilst our builders are, by universal consent, admitted to be the most skilful in the world. If it be said that money is the sinews of war, and that, while England has a revenue of two hundred and sixty millions of dollars, and France of some two hundred and twenty millions, ours only amounts to the inferior sum of thirty millions, our answer becomes more triumphant than ever. The revenue of both those countries, and especially of England, is chiefly absorbed by the interest of debts incurred for past expenditures, and by the wasteful profusion of cumbersome and costly establishments, whilst every dollar of ours is available for the efficient service of the country. Whilst France is groaning under a weight of oppressive taxation, stretched to the uttermost, and England looking forward to impending bankruptcy, we, on the contrary, stand aghast at the unaccustomed spectacle of an overflowing treasury, for which we seek in vain some safe channel of escape. Turn it in every direction where it may promote the safety, honour, and welfare of the state, or the security of our citizens, on land or sea, engaged in their peaceful avocations! Grant to our planters and enterprising settlers upon our remote frontier efficient protection from the atrocities of slaves and savages, and follow the adventurous trader in his path of peril to every sea, with cruisers ready to spread over him the protecting flag of the republic!

If it were asked what should be the extent of our naval armament, we could not answer the question better than in the words of the secretary of war, in his recent admirable report on the defence of the country. So strongly was he impressed with the insufficiency of a mere army and fortifications to secure us from aggression, and with the necessity of providing the country with a formidable navy, without any reference to the protection of commerce, and solely with a view to defence, that

he tells the president—"It seems to me, therefore, that our first and best fortification is the navy. Nor do I see any limit to our naval preparations, except that imposed by a due regard to the public revenues from time to time, and by the probable condition of other maritime nations." The condition of our public revenues imposes at this time no limit to expenditure in naval preparations. As for the condition of other maritime nations, we have already seen how formidable is that of the two with which we have formerly been brought into warlike contact, and with which we are likely to be brought into contact in times to come. That our navy should at once be put on a footing as formidable as that of either of those powers we will not insist. They have interests connected with their foreign possessions, their vulnerability at points remote from their chief seat of power, their assumed maintenance of the balance of power, and ambitious interference with the internal affairs of other countries, with which we have nothing in common. Still the extent of their navies must ever be an important element in the graduation of ours. Though our future wars will be waged for defence and not for ambition, we must not the less be prepared to cope with the foe with whom conflicting interests may bring us into collision. We should be prepared to come out of the struggle triumphant, especially as, by being thus prepared, we can best hope to escape it altogether. We think, then, with a view to our resources and the existing armaments of other nations, that our naval preparations should be on a scale suited to qualify us, within five years, to put to sea with a fleet of forty ships of the line, and an equal number of frigates. One half of this force should be in a condition to sail within a year, and of the other half, one portion might remain constructed on the stocks, and the other in frames ready for setting up. As a nucleus to prepare officers, and to some extent crews, for these vessels, six ships of the line, with twice that number of frigates, and sloops and smaller vessels in proportion, should be kept perpetually in commission. This is the least force that could form a competent school for our navy, or extend to our commerce in every sea that ample protection which it demands, and secure it, in the earliest stages of hostilities in foreign waters, from those depredations which have been to us the fruitful cause of so many perplexities.

Of these ships, three of the line might be assigned to the Mediterranean station, two to the Pacific ocean, where we have interests of great value at stake, and one to the Brazilian station. The frigates and smaller vessels should be distributed between the stations above named, and the East and West India stations, where, for reasons principally connected with the climate, they may be more efficient and useful than large ships.

Our maintenance of a squadron in the Mediterranean had its origin in the provision of a defence for our commerce against the Barbary powers. Their piracies have been discontinued of late years, in consequence of chastisement received from ourselves and various other nations. The Mediterranean fleet has, however, still been continued, partly as a precautionary display of force, but chiefly as forming an admirable school for our officers. The languages of most use in the intercourse of the civilised world are spoken on its shores, and the means and incentive to acquire them are alike imparted to the officers of our ships which visit them. The shores of the Mediterranean, too, have been the scene of the most interesting events in the history of ancient times, and our young officers, while learning their profession in circumnavigating its entire extent, cannot fail to have their minds improved, and their genius fired, by visiting a thousand sites crowned by the pure monuments of a classic age and consecrated by undying associations.

There is, however, no good reason why our ships, having once got into the Mediterranean, should remain there like so many fixtures during three entire years; unless, indeed, the circumstance of its being the scene of hostilities, likely to interfere with our commerce or assail our neutral rights, should render the protecting presence of a fleet necessary. Perhaps there never was a corps which has been so completely the victim of inveterate and unmeaning routine as the American navy. Some four years ago, we had a fleet of half a dozen frigates and smaller vessels in the Mediterranean, at a time of undisturbed quiet, when a single sloop in the Archipelago would have effectually protected our interests there, while, at a distance of a few hundred miles without the Mediterranean, a civil war was raging on the coasts of a country with which we had an extensive trade, attended by blockades and a lawless strife, likely to affect the interests of unprotected neutrals. We allude to Portugal, and the contest between Don Pedro and Miguel. At that very moment, our diplomatic agent was negotiating a treaty for claims for spoliations on our commerce, committed under similar circumstances of protection withheld by our government at a former period of strife. The settlement of this treaty would have been greatly facilitated by the presence of a fleet in the Tagus or its vicinity, whilst it might also have served to prevent the occurrence of renewed aggressions. The fleet was, however, the Mediterranean fleet, and the commander had not the power to withdraw it. It has, however, from dread of a French coup-de-main, at length got out of the Mediterranean; the charm is, therefore, broken, the *ne plus ultra* of ancient navigators passed; and we hope that

our vessels may now freely repass the Pillars of Hercules, whenever occasion may call them.

We do not think indeed that our ships should be permanently attached throughout their entire cruise to any particular station. Why might not a ship starting for the Mediterranean for instance, touch at Portsmouth with a despatch bag, and after giving the officers an opportunity of seeing the dockyard there, pass on to Lisbon with a similar errand to our diplomatic agent, and touching at Cadiz and any other intermediate port usually frequented by our ships, report at length for service on the Mediterranean station? After having made the circuit of that sea, she might leave it again under orders to stop at certain ports on the coast of Africa, where we may have trade to protect, or interests connected with the suppression of the slave trade, and then report for service on the West India station, touching at all the intermediate islands on the way to Pensacola, and on the expiration of the cruise return home. In the same way, the vessels attached to the Brazilian, Pacific, and Indian stations, might, without departing from their direct route, cruise alternately on each, visiting all the coasts and islands frequented by our traders and whalers, and affording them efficient protection, or mechanical aid for their repair in remote and uncivilised seas. In this way we should not only have a force wherever we had commerce to be guarded, but our ships, for ever in motion, would be perpetually touching at every point at which a rapacious government might exist, and traversing every sea and channel, followed by our traders in their gainful avocations, where pirates might prowl for their interception and plunder. The value of this wide extension of our cruising grounds, our naval commanders will not fail to appreciate. We have our doubts whether one of our national vessels ever went into a port frequented by our traders without being able to render them essential services. Sometimes they require repairs either difficult or impossible to be procured, or only to be procured at extortionate charges; often they have a mast to be fished, sails to be made or repaired, or disorderly and mutinous crews to be exchanged for volunteers of good character. So on the high seas, by extensive cruising, our ships will have increased opportunities of succouring vessels in distress, and furnishing food and water to their famishing and panting crews. We might instance a recent, and, from the tragical circumstances connected with it, a notorious instance of the benefit resulting from the extension of our cruising field. The frigate *Potomac* happened to be at Lisbon when the brig *Falmouth* put in there in distress. Her captain had been compelled, in self-defence, as it has since appeared on trial, to kill one of his crew. The local authorities

were about to detain the vessel and to take cognizance of the alleged crime, when the commander of the *Potomac* promptly interposed, procured the reference of the matter to his jurisdiction, refitted and provisioned the vessel, arrested the accused captain together with all the witnesses and affidavits necessary to the trial, and placing him and his vessel under the charge of a government officer, ordered her to her port of destination in the United States. The vessel, laden with a very valuable cargo, whose detention at Lisbon would have been ruinous to the owners, arrived in due season, and the captain had the advantage of being tried by his own laws and a jury of his countrymen.

We are happy to find an opinion which we have long entertained as to the expediency of greatly extending the cruises of our ships, enforced by the high authority of the navy commissioners, who in their recent report to the secretary of the navy, of a plan for the increase of the force in commission, recommend the return of vessels on the Pacific station by the islands, the Indian seas, and the Cape of Good Hope; and that of those on the Indian station in the opposite direction, by the Pacific and Cape Horn. The adoption of this enlightened recommendation will greatly increase the protecting influence of our navy, extend the field of observation among our officers, and at the end of twenty years add almost every name on our navy register to the proud list of circumnavigators of the globe.

While the service would thus be lightened to our officers, and the irksomeness of a long period on one station relieved, the interests of the country as well as those of the navy would be greatly promoted by such an interchange. Owing to the stormy nature of the winter in the Mediterranean and the long prevalence of gales from a particular quarter, it is impossible to cruise there at that season without great and unnecessary wear and tear of both ships and crews. Though the profession of the seamen must be learned in storms as well as in calms, yet storms are always to be encountered without going in quest of them. Like war itself, they are to be expected and prepared for, but not sought after. On this account our squadron with the exception of a single ship in the Archipelago, should be withdrawn from the Mediterranean in winter, which is always passed there in idleness and sometimes in dissipation and discord in some snug port, and transferred to the temperate regions of the coast of Africa, Brazil, or the West Indies. The only inconvenience that can possibly result from this rapid interchange of ships would be the accession of new commanders unacquainted with our existing relations in the particular seas and the nature of the national interests requiring protection. This might in all cases be obviated by preserving the same

flag ship, or at all events the same admiral for the usual term on each station.

We speak of having admirals on each station as if our service recognised such a grade of officers. There is a bill before congress for the creation of admirals, and it must seem strange and unaccountable to any person of reflection that we should so long have possessed a navy without a grade so necessary, not as a stimulant and reward for faithful service, but as an all important element of discipline. We may possibly have discipline and subordination in single ships, but they cannot exist in fleets without admirals. Suppose the fact that there were no rank in the army above that of colonel, and that the gallant Scott, now commanding in Florida, only occupied that station in virtue of his being the oldest colonel in his army. Would he be so likely to receive from his brother colonels under him that deferential, unqualified, and unquestioning obedience, so necessary to the happy result of his expedition and the welfare of his country, as is now conceded no less to his exalted rank, than to his brilliant character and achievements? In his army, doubtless, as in every corps, are one or more flippant, conceited, insubordinate subalterns, having more confidence in their own abounding self-sufficiency, than in the experience and tried genius of their superior. Let us ask any reasoning individual whether such a subaltern would not be more likely to commit an act of insubordination, hurtful in its consequences, and contagious in its example, if the major general were plain Colonel-commanding Scott, with whom in the ordinary course of events he would one day be on a footing of equality, and in a condition to make a personal affair of that which had been, properly, an affair of discipline. Yet this is precisely the present predicament of the navy. The commodore has to command captains who, the moment he lays aside his brevet rank, are his equals, commanders who may become his equals after an interval of a year or two, and lieutenants and midshipmen who will also surely become his equals if he and they live long enough. This may seem an absurdity, but it is at the same time a fact. Turn to the navy register, and you will there find reposing side by side on the same list of captains, those who had reached that station in 1799 and those who did not attain the post of junior midshipman in the navy until ten years thereafter! With a succession of grades, such as exists in our army, and in the navy of every country except our own, this anomaly, not less pernicious to the navy than cruelly unjust to those who compose it, could never occur.

There is indeed a system of deathlike stagnation among the officers of our navy suited to smother hope, ambition, and every generous sentiment. The efficient command of a ship requires

both bodily and mental energy, matured by experience, but not subdued by those chill influences of declining age under which animation and enthusiasm wither away. Perry was but twenty-eight when he won the victory of Lake Erie. Our young officers, now filled with the life and spirit which would make command a pride and an absorbing feeling, are doomed to pass without assignable limit their best years in subordinate drudgery, reserving the era of command for that declining age, when the broken voice, the failing vision, the blanching hair, and the universal decay of the mental as of the physical faculties, announce a season more suited to repose, and counsel retirement to make their peace with God, and leave the scene of active service to the young and daring, doomed doubtless like themselves to pass their mature years in stations of inferiority.

The evils resulting to the service from this state of stagnation are sufficiently apparent. Not less so is the glaring injustice done to our officers. They have entered the service with certain expectations of honourable advancement, which have not been fulfilled. Inspired by the enthusiasm of youth and thoughtless of any sordid consideration, they made no bargain for promotion. They may not the less claim to have been deceived. It seems to us extraordinary that in a country offering such an unbounded field for industry and talent, our officers do not more frequently throw up their commissions in disgust and turn their attention to employments in which success would depend more on their own efforts than on a public sense of justice, not to mention the word generosity. Some timely relief should be offered to the officers who have so long pined in expectation of advancement; a relief which would to a certain extent be effected by the bill recently introduced into the senate by the chairman of the naval committee. The only objection to this bill that occurs to us is the too great number of grades which it contemplates between a midshipman and a lieutenant. Instead of passed midshipman, second master, master and second lieutenant, we think that passed midshipman and second lieutenant would be sufficient. There should be no grade in any corps without assignable duties, and there could not be found on shipboard appropriate duties for so many grades. Second lieutenant would be a more respectable rank in title and in dress than master and second master, for the distinguishing portion of the title would only appear in orders, or on the navy register. The officers of this rank would of course be in the gun-room, and could perform the duties of master, which are the most improving in the service, and in smaller vessels those of lieutenant. Nothing is more obviously proper than that there should be a difference of rank between the lieutenants of a line

of battle ship and those of a schooner, or between the commander of a schooner and his own lieutenants.

With reference to the future, the evils of slow promotion might be much abated by checking the entrance of midshipmen into the service. We think no person who has convenience for comparing the relative position in their advanced years of naval officers and the companions of their youth who have entered life with them, will be disposed to say that there is any hardship in resisting the youthful whim which impels them to enter the service. In almost every case it would be a kindness to the poorest boy in the country, instead of authorising him to mount the "eagle button," to advise him to shoulder his axe and wend his way to the far west, there to hew out a fortune which will leave him without any thing to ask or desire from the state. In a country where each citizen usefully employed is of value, the population should not be diverted from productive pursuits, save for purposes of real utility. The state should not take for its service a single individual whom it does not need; those whom it does take should be protected and cherished.

We think that an easy check might be given to the too abundant introduction of midshipmen into the navy by the creation of a naval academy, at which appointed midshipmen should present themselves as the cadets do at the military academy, and furnish similar evidence of character and capacity for the service. The age for admission should be the earliest at which a child may be separated from parental care, say thirteen years. Supposing the previous education to have been attended to, and this should be a requisite for admission, three years would suffice to lay the foundation of a professional education. We think one of the islands in the harbour of New York would furnish the best possible site for such an institution, presenting as it would perpetually a moving marine panorama, in which ships might be seen performing every possible evolution, the subject of present studies and future practice. As however the military academy lies within the boundary of the same state, the principle of just repartition might be shocked by the selection of the fittest place. On this account, Craney Island, near Norfolk, would be a less debateable selection. The situation is healthful, and otherwise eligible. It is unnecessary to point out the studies that should occupy the youths; as for their exercises, they should all be professional. One of the most beautiful of our schooners, the *Grampus* for instance, should be selected to fix the pride and attachment of the youths. She should be rigged into a ship, and moored off the island, so that the young men might be daily employed on board of her, sometimes in stripping or rigging, furling and reefing, bending and unbending

sails, exercising the guns, and performing in general every duty which belongs to the profession of the sea, and seeking relaxation from daily studies on shore by daily exercises afloat. Occasionally the miniature ship might weigh her anchor, and in sailing about the bay and harbour furnish at the same time to her aspiring crew instruction, amusement, and relaxation, while in summer, the allotted season of vacation might be passed in an extended cruise along our coast. Every thing done on board of such a vessel, which would of course be ably commanded, would be done in the best manner; the youths would have before them an epitome of their profession, and would be perpetually engaged in the actual execution of its details. Nothing would be left to chance, and there would be no choice but between becoming a sailor or being dismissed. If this system be introduced into our navy, it will furnish a groundwork of professional education to our future officers of a value which cannot be exaggerated. The first examination for admission would reject many applicants, and the subsequent years of probation would winnow away all the chaff, all the incorrigibly stupid, all the vicious, all the insubordinate. They might, without loss of time, turn their attention to any thing else for which they might be fit, without cumbering the navy as they now do with unsuitable materials, which are only gotten rid of after much trouble, disorder and a court martial. As for the chosen few who should pass the ordeal creditably, they would be to the navy a real gain; useful on board ship, through their own services, they would also be useful in stimulating the emulation of their superiors.

And here it might have been proper to advert to what may be done in the navy towards the formation of seamen for its present and future service, had not the subject been quite recently exhausted in an admirable article on manning the navy, in the March number of the *Naval Magazine*. The only objection that we might be disposed to offer to its sound and most ingenious suggestions, is a very trifling one. It refers simply to the proposition to teach recruits certain duties on shore; such, for instance, as furling and reefing upon a yard rigged upon land. The convenience of having the recruit low down, and near the person engaged in teaching him, can be perfectly well obtained on board ship by having a top-gallant yard temporarily rigged quite low down on the mizen mast, as is sometimes done in foreign services where the difficulty in procuring seamen ready-made sharpens the ingenuity of officers in the task of educating them. Every thing connected with the formation of recruits should be done afloat, in order that the various parts of their education, the management of their hammock, the art of living on shipboard, the exercise of the guns, and

whatever belongs to the duties of a seaman, might be acquired together. There is indeed no reason why all these things should not be taught in cruising ships; but it is a fact that they are not. Whilst the navy might become the best school in the country for the creation of seamen, it is a fact that very few are formed in it. A youth of more than usual ambition and activity sometimes makes favour with the first lieutenant to be put into a top, and becomes in time an admirable man-of-war seaman. Even then, however, he is unfit to take his place in a merchant ship, from his ignorance of steering and the use of the lead. As for the less fortunate mass of landsmen, they are usually kept busy with swabs and brooms in the more menial duties of the ship, until at the end of a cruise health and heart alike fail them. The menial offices of a ship should not be assigned as a punishment to any particular portion of the crew; they should be divided among the whole crew, by which means they would both cease to be degrading and be better performed. Least of all should they be assigned to the landsmen, who, from being young and native Americans, should receive in an especial manner the fostering care of the commander. They should be taught in detail under the direction of the petty officers every branch of their profession, and in process of time the navy might furnish skilful seamen to the merchant service instead of being, as it now is, a drain upon it. There would thus also be created a class essentially belonging to the navy, familiar with its ships and officers, and having its interests warmly at heart. We agree with the writer in the *Naval Magazine*, that foreigners should be excluded from the service. The process of excluding them is a very simple one. It is not by the evidence of witnesses or the possession of a regularly signed and sealed protection, that they should be received as Americans; but condemned or accepted out of their own mouths. Any officer of experience sufficient to be employed in recruiting, can tell by the evidence of his eyes and ears, in a conversation of five minutes, whether or not the applicant be an American. An American protection, like American naturalization, in many cases, is a thing calculated to excite the scorn of every man of honour. Were our navy manned entirely by native Americans, and among seamen of this class it is not now popular, in consequence of the introduction of a system which has grown out of the admission of foreigners, disorders would be diminished, discipline be rendered, at the same time, better and milder, and our men-of-war become models of good order. The attention which they so justly merit, should be given to the suggestions contained in the able paper to which we have alluded, coming, as it is said, from the chiefest of our novelists, the creator of the romance of the sea; he who first lured the melancholy muse—

if muse she may be christened—from the tangled woodland dells and haunted towers about which she loved to linger, to wander forth with him upon the deep, and find, in man's conflict with the elements and his fellow-men upon its treacherous bosom, theme for creations of surpassing power.

Hitherto, our remarks have been confined to the necessity of a navy, and the extent that should be given to it; no apology need be offered for extending them to a subject of so much importance as the construction of our ships. Naval architecture, as a science, was brought very near perfection in the dock-yards of France and Spain, during the last century, by a skilful combination of experiment with mathematical calculation. Our earliest builders took up the art where they found it, and modifying it upon principles derived exclusively from experiment, and the intuitive inspirations suggested by a practised eye, brought it at once to perfection. This is saying a great deal; but the evidence upon which the assertion is made is founded upon existing facts. By general admission, the finest ship in our navy is the frigate *United States*. She was built forty years ago, and the interval has been passed in attempting various experiments and fancied improvements, which have produced nothing comparable to her. The *President*, which was said to be superior to her, was of nearly cotemporary construction, and only serves to fortify the position. Navy contractors might draft, and navy officers modify, from this time to the close of our national career, without producing any thing superior to this noble ship; nor can they hope to equal, except by imitating her. She sails better than any other ship in the navy; steers with one man at the helm, when the new frigates require four; berths her officers and crew most commodiously; carries nearly twice as much provisions and water as they do, being precisely in the ratio of eight months to five; and, consequently, would be able to remain so much longer at sea in time of war, without communicating with the shore; and under the given circumstances of a voyage protracted, by being dismasted, or by other disasters, beyond the expected period of arrival, the crew of the *United States* would continue to revel in unstinted abundance, long after that of the *Brandywine* would have set about the unpalatable operation of eating each other. Let us, then, assume the fact that naval architecture attained perfection at the very birth of our navy. We speak, of course, of vessels propelled by sails. Behind this assumption we will entrench ourselves, and from it we will not retreat until a better ship can be produced than the frigate *United States*. Let this ship be adopted as embodying our creed of naval architecture, and let all our frigates be identical with her in construction. Let us permit the introduction

of no crude novelties into our naval architecture, no cruisers, incapable of overtaking even a molasses droger, no sea monsters, suited only to terrify, like some horrid abortion, by the spectacle of deformity. To individualise our ideas, let us have no Natchez, and no Experiments; one of each would be enough, though, unhappily, we have several of the former.* The present experience of the British navy should protect us against the error of permitting our naval architecture to be modified by seamen. The construction of the British navy is now under the guidance of an individual, whose qualifications for the office are his having been for some years captain of the port at Malta, and having availed himself of the station to study the models of certain Greek and Sicilian small craft which frequented that harbour. These models he imitated on the spot with success, in constructing boats which performed creditably; and returning home in due season, he superintended the building of some yachts and small cruisers, which were found to sail swiftly beside the vessels of a country in which little has been done for ship-building. This was considered a sufficient test of his qualifications for superintending the naval architecture of England; frigates have been constructed on this extraordinary model, and ships of the line are now in process of being built, which, we venture to pronounce in advance, will prove crazy and unmanageable, and possibly fatal to those who sail in them. Let us, then, with characteristic caution, keep to the safe counsels of past experience. Ship building is one profession, and seamanship another; it is the business of the builder to model and construct the ship, and that of the seaman to sail her when she is afloat. This is a task requiring skill, judgment, and energy, and is in itself sufficient to employ and to

* The Experiment was built after the plans of a potter, who has now returned to the business, for which he is so much better fitted, of baking stone jugs on the shores of the Hudson. The sloops of war which have turned out so badly, were drafted by a former chief naval constructor, still in the employment of the service, though it is to be hoped he will not again be permitted to draft ships. Some of the constructors employed to build these ships pronounced them, in anticipation, bad in every respect, on the exhibition of the models. The frames were however already cut to certain moulds, and the ships could be but very slightly altered in construction. By cutting them off near the stern and lengthening them, they might still be made good ships. The opinion we have submitted about the old and new frigates may, after all, be received with some reservation. The small stowage of the new frigates is said to be chiefly owing to the great room between decks, and not to inferior capacity. The new frigates certainly sail well. Perhaps perfection may lie somewhere between the new and old construction. It is worth seeking after and finding. Our ships should sail together until one had won the palm, and she should become the model for all future constructions.

stretch the mental resources of any individual. To carry a ship expeditiously yet safely to the place of her destination, to meet and overcome the storms and countless perils of the deep, to keep her under snug sail when judgment shows it to be necessary, and expand the canvass again to the breeze the moment the emergency is over, to be bold without rashness, and cautious without timidity, are surely qualities to acquire which, in perfection, needs no divided attention. And when the commander has reached a foreign port, and becomes, at the same time, the depository of the dignity and power of his country in the presence of strangers, and finds himself called on to correspond with foreigners on subjects of high policy, involving the interests and honour of his country, and to act in their defence, surely these superadded vocations call for a preparation sufficiently absorbing. This subject, then, should be abandoned to the sole and uninfluenced guidance of professional architects. The best perhaps in the country, has been permitted to carry his talents to other lands where, after implanting the true rudiments of his profession, and leaving models which will be sure to fix them there, he has died in the service of a country which may one day become our enemy. He has however left behind him one monument of his genius; a ship of the line built after his own unaltered models. This ship is the *Ohio*. Why has she never been fitted for sea to test her relative qualities compared with our other ships? Why has this ship, supposed to possess rare excellence, been the only ship of the line afloat which has never been put in commission? We have still, however, excellent naval architects in the country, as good as are any where to be found, and some of the best of them, such, for instance, as the chief naval constructor, are employed for our navy. Let them henceforth plan, decide and build by their own unaided lights, and unite in their own persons the power and responsibility which properly belong to them.

The remarks which we have here ventured to offer on the subject of our naval architecture, under the influence of earnest and honest conviction, have been suggested by a comparison of the ships built at the close of the last century, and revered as patriarchal in the navy, with those of more modern construction. It would seem then, if we have wandered out of our path in search of perfection, it only remains for us to go back to find it again. Every art must reach perfection at some time, and why not ship-building? We know that statuary attained it under Phidias in ancient times, and painting under Raphael nearer our own. We know also that what cannot be equalled may yet be copied. Let us apply this system to the United States frigate, and assuming that she is perfect until something is shown to be superior, make her a model for our

frigates, from which we will not again lightly depart. Her form is not of course applicable to ships of the line without considerable modification. But models for our other ships may be got, by taking the best that we have for every other class. Of the qualities of the *Ohio* we know nothing beyond the great acknowledged genius of her constructor. The *Franklin* has proved herself a noble ship, and possessing every quality desirable in a ship of the line; this ship, enlarged to the size of the *Delaware*, so as to mount ninety or a hundred guns, might be made the standard for her class. The model of the sloop of war might be taken from the *Vincennes*, which is found to possess every good quality that can be desired in a ship; sailing and steering well, making good weather, berthing her crew commodiously, and having great capacity for stowing provisions and water. The *Concord* is another ship possessing in a high degree all these essential qualities; the two might be tested together, and the one which should be decided to be superior, be afterwards adopted as the model for every future vessel of this class. We would not, however, be understood to advocate a rigorous exclusion of all experiment from the service; experiment might occasionally be attempted by way of exception; but the classes of vessels being once established, should only be modified on the most irresistible evidence. With reference to the lowest grade of vessels, the schooner *Grampus*, or the *Spark*, so celebrated in former times in the service for her admirable swiftness, might be adopted as the model. We think, however, that these vessels should be rigged as brigs instead of schooners. The schooner is a very peculiar and delicate class of vessel, the skilful management of which requires a distinct and separate education. The *Baltimore* privateers taken and fitted out by British cruisers during the late war, were wholly unmanageable in the hands of their captors. Seamanship in a brig is the same as in a ship, but in a schooner there is a great difference; hence the knowledge acquired by young officers in this class of vessels is but slightly applicable to the general service. A schooner is moreover, a rakish, vagabond description of craft, in which the discipline is apt to become bad. This class of vessel is also, perhaps, more easily disabled in an action; a shot which would cut away the gaff or main boom of a schooner, or a mere musket ball stranding the peak halyards, might for a time render her unmanageable, and thus decide the action against her, whereas a brig, having a greater number of sails in smaller surfaces, would be less affected by an accident to any one of them. The schooner has an advantage in beating to windward, but with a free wind, (and the wind is necessarily more than half the time free at sea) the brig has the advantage,

being enabled by it, under ordinary circumstances, always to make a passage more quickly.

It remains to notice a new class of vessels destined to constitute an important agent in naval warfare. These are vessels propelled by steam. As defensive agents for the protection of coasts, their uses are too obvious to be here insisted on. In fleets their co-operation will become equally effective. Suppose the very possible contingency of two hostile fleets meeting in calm or light weather; one of ten ships of the line, unattended by steamers, the other of only six, but attended by two of these auxiliaries. By employing the steamers to tow the ships of the lesser fleet to the extremity of the adversary's line, and changing their positions from time to time, when necessary, the superior fleet might be overcome in detail and compelled to strike to a force greatly its inferior. The steamers may also be of the greatest use in towing the disabled ships, which might else be forced to strike, to a position of security to windward, where they might repair damages, and prepare to take part anew in the contest. This class of vessels may also, by choosing their position and by the heavy nature of their armament, deal some desperate blows themselves when unemployed in bringing up or succouring the sailing ships.

Reasons enough are here adduced to show the great utility of steamers as auxiliaries of fleets; we will therefore only submit such ideas as occur to us on their proper construction. Sailing vessels in order not to drift when on a wind are deeply immersed in water, rising and falling with the heavier seas, and but slightly affected by the quicker and more irregular agitation of the surface. In steamers, this great hold of the water would impede the velocity, and at the same time destroy or render useless their paddle wheels by plunging them violently in the water one moment, to withdraw them entirely in the next. A steamer therefore must be full and flat amidships, to rest upon the surface instead of being deeply immersed, and be maintained as nearly as possible on an even keel so as to give the fullest effect to both paddle wheels. As a sea-going steamer could scarcely have capacity to carry fuel to cross the ocean, she should be provided with sails, to use when favourable the convenient agent provided by nature in the wind. Their masts should, however, be light, with large gaff sails, the topmasts and yards being convenient for striking when steaming to windward. In the steamer now in process of construction at New York, it does not strike us that a proper adaptation is kept up for service at sea, which is by no means incompatible with every provision for efficiency in the defence of the coast. Even the defence of the coast, if the same vessel is to be employed in defending more than one point, requires perpetual

contact with the sea. This vessel is constructed very sharp, without fullness or bearing at the extremities, to keep her from pitching into the sea, and with a rudder at each end, so as to go in either direction. The only advantage discernable in this arrangement is its enabling her to retire from an attack without turning so as to expose her broadside to her antagonist. This advantage seems a speculative one, inasmuch as with only the usual rudder she might back sufficiently far astern, before turning to escape, to be beyond reach of serious injury. The objections to this plan strike us as more than outweighing this single advantage. In the first place, as the bow of the vessel should be of one form and the stern of another, there is necessarily a loss of velocity in making both alike. The difficulty of securing the foremost rudder of so large a vessel in going ahead strikes us as very serious. It is proposed to unship it and bring it on deck, but this will require cumbersome apparatus, at the very place, too, where the bow gun, the great offensive agent of the vessel, is to be placed. The British and French have been constructing sea-going steamers of war for some years; we think that reference should have been had to their experiments, making due allowance for their backwardness in the application of this new agent; our Charleston packets also might have furnished us with a useful basis of construction. If entire novelty were to be attempted, we think the government could not have done better than to entrust the task of furnishing a model which is to serve hereafter for a class, to the distinguished engineer* to whom we are indebted for almost all the improvements that have occurred in steam navigation during a succession of years, and who is understood to have turned his attention to this subject while the probability of a war with France existed. With the best talents in the country, or in the world, at the command of the government, it is a pity that an experiment which is to involve such an enormous immediate expenditure should have been entrusted to any but the ablest hands. As it is, we await the result of this experiment with some anxiety.†

* Robert L. Stevens, Esq.

† In time of peace these steamers might cruise along the coast, and thus furnish much useful information to their officers. This might also throw them in the way of assisting vessels in distress. A powerful steamer, moored near the entrance to our principal harbours, on being notified by signals that a vessel had grounded on the coast, might repair at once to her assistance, and, in almost every case where the stranded vessel had not bilged, drag her forcibly afloat. These vessels would be very useful in aid of the preventive service, which should be made a part of the navy. When there is so great a demand for useful employment for our officers, such an extensive school as the revenue service should not be separated from it. Naval officers have occasionally commanded these

Having thus adverted to the various classes of vessels which it seems to us expedient to adopt, we would suggest that it is quite time for so enlightened a country to give up its present absurd and fallacious mode of rating its ships. Every vessel in the service should in all cases be rated by the number of its guns. It is very common to see an English fifty-two and an American forty-four arriving in the same port, and announced in the newspapers by their respective rates, when, on comparing them, the ship which appears so much the smallest on paper, proves to be greatly the largest in reality. This is unworthy of such a truth-telling, matter-of-fact people as we are; it is delusive and false, and yet no one is deceived. It is a practical lie, of which we stand convicted out of the mouths of our own protruding cannon. As for the classification of our ships, when it has once been determined on they should all be identically alike. Instead of the spars, rigging, sails, boats, tanks, anchors, and other equipments being made for each vessel, they should be made for the classes. This would save a great expense, as those equipments, being quickly made, need not be accumulated for every separate ship in the service. In fleets, the uniformity would confer a great advantage, by allowing the ships to aid in refitting each other when disabled. Rigorous rules should be established and enforced against alterations of any sort through the caprice of a commander. Ships have sometimes been turned into barques, by which they have been injured and disfigured, and the government put to useless and worse than useless expense. The apartments of the officers have been altered and extended so as to encroach upon the allotted berths of the seamen, and poop-cabins constructed in a manner calculated to injure the efficiency of ships, with the chance of weakening them by the addition of a weight at the extremity which they were never calculated to sustain. The authority of a commander should not even extend to the alteration of the paint of his ship. One may have a taste for white paint and his successor may prefer green, which may be scraped out again on the accession of a new commander. There should be only two colours permitted in the service, white and black, and provision should be made of a fixed portion to last a given time. As our navy increases, the importance of order and

vessels, and not to the satisfaction of the secretary of the treasury under whose orders they were placed. The difficulty has been, that they were only amenable to their chief as commanders in the revenue service, and not as officers in the navy. They should be made complete men of war; the harlequin flag that they now wear, being exchanged for the regular colours of the service. Place our revenue service on the same footing as in England, and there is no reason why it should not be found as efficacious. The service there performed by it is far more arduous.

economy must be felt and attended to. These matters, with all others, however trivial they may seem, should be provided for by a code of regulations prepared by the oldest and most experienced officers. Thus, general laws would replace the fluctuating orders of each new commander. These laws, applicable to all cases, should be rigorously enforced. There is a sufficiently prevailing opinion in the country, that the navy is one vast arena of tyranny and oppression. No opinion is more unfounded. Instances indeed there have been of tyranny, originating in insubordination and producing insubordination in turn; for they are evils which mutually beget each other. The great evil is the want of regular and systematic discipline; an evil which bears even more hardly upon those in subordinate stations, than on the more elevated in rank. If a well disciplined ship be a beautiful spectacle of order and harmony, an ill-disciplined one is, on the contrary, a perfect floating pandemonium. All should know their rights as well as their duties; the first should be secured, the last rigidly enforced. There is perhaps no circumstance that would be more conducive to discipline in frigates and larger ships than that the executive officers should be of higher rank than the officers acting under them. Instead of a first lieutenant of the same rank with the rest, there should be a master commandant to fill this important station. The position of such an officer is more imposing, more conducive to discipline, and consequently to the comfort of all on board. The obedience yielded to him would be more unhesitating; the preservation of order among his messmates, at present a task both difficult and unpleasant, from the sense of equality with which all are inspired, though of the last necessity, would be rendered easy. Such an officer, moreover, being of a higher rank, would be more disposed to side with and sustain the commander in his solitary struggle for dominion over the whole ship's company. In the British navy this system has been tested with the best effects, proving of great advantage to discipline, while it serves at the same time to furnish employment and valuable experience to a large number of additional commanders. In sloops of war the same advantage would be obtained by having two grades of lieutenants.

Among the lesser accessories that may be made conducive to the maintenance of discipline, uniformity of dress is of no little importance. Every thing, even to the lining of the sailors' collars, should be accurately defined, and the officers should always conform, at sea and in port, to the summer or winter dress in which the seamen may be ordered to appear. The present regulations of naval dress seem designed rather to prevent than to promote uniformity; an officer may now wear a stand-

ing collared coat, a straight collared coat, or a round jacket, a blue, white, or a silk waistcoat, a round hat, a cocked hat, or a cap, and trousers of grey, blue or white, according to his fancy; in short, the list of that which he may wear is so various, that it is harder to decide what he may not wear. This matter should be simplified and reduced to the narrowest limits; there should be but one coat and one hat for every grade of officer, and a frock or round jacket, with a cap, for undress, in which no one would think of appearing at a ball or dinner. There would then be none of the ridiculous incongruity which is now so obvious to every one, and a congregation of navy officers would no longer look so like a meeting of train bands.

Men-of-war are at any time liable to an accidental conflict, and hence there should be no difference of discipline between peace and war. To prevent the ill effects of neglect of duty on the part of an individual commander, the regulations of the service should direct how often the guns should be exercised each week before going to sea, how often, during the first six months of the cruise, and provide in like manner for the remainder of it; requiring that each exercise should be duly noted in the log-book, or the circumstance of bad weather or indispensable duty which prevented the fulfilment of the regulations. The orders used in exercise should be uniform in the service, as well as the mode of drilling the men for boarding and repelling boarders. All pikes, cutlasses, and weapons of every description, should be uniform in every ship, instead of being as various in the different ships, and even in the same, as the knives and forks in so many separate families. It should be the stated duty of the commander not only to see the crew properly mustered and exercised in their respective stations, at all the evolutions in use at sea, but also to cause the green hands to be instructed systematically in the higher duties not embraced by their particular stations. Occasionally, in reefing topsails in fine weather, the topmen should be kept on deck and the rest of the crew sent on the yards to perform their duty. Such a course, systematically pursued, would render a whole crew effective, increasing at all times the pride, ambition, and available force of a crew, and, in the event of a diminution of its numbers from battle, disease, or manning prizes, confer advantages of the last importance.

Although the exercise of the crew at quarters has been generally attended to in our ships, yet naval gunnery has been almost entirely neglected in them. Provision should be made by law for a certain annual number of exercises in firing at a target. As for the expense which this would occasion it might in part be saved by the rigorous interdiction of all unauthorised salutes, and by an invariable adherence to the rules of the ser-

vice in the number of guns to be fired on any given occasion. So much attention has been given to naval gunnery in the British service since the war with this country, that they have a school of practice in this science on one of their stations, held on board of Nelson's old ship, the *Excellent*. In our conflict with England our victories were chiefly owing to superior quickness and precision in the fire of our great guns. The chances were against us, and we strained every nerve to meet a formidable and hitherto victorious foe. England, on the contrary, accustomed to triumph over every enemy, despised us in common with the easily beaten French, and reposed in the pride of her invincibility. We taught her a severe lesson which has not been lost upon her, but which we ourselves have forgotten. There is no intrinsic reason why we should beat Englishmen; our ships are perhaps stronger and better sailers; but their officers and seamen are quite as good as ours, and their preparation is perhaps at this moment more matured. With the French the case is different in some respects, though the same in others. Our merchant service is a vast nursery for seamen, in numbers inferior only to that of England, in excellence inferior to none; we have, moreover, a natural and hereditary adaptation to the sea. The navy of France, to the extent in which it exists, is the offspring of artificial causes: it is an exotic plant, quickened, however, by a nurturing and fostering care, into something of life and energy. From the number and activity of her commissioned cruisers, the experience of her officers is, however, little if at all inferior to that of our own. The greatest attention is given to every practical detail, and the aid of science is called in to improve and perfect the whole. A new and destructive arm, invented among ourselves at the close of our struggle with England by the distinguished engineer to whom we have heretofore alluded, has been quite recently introduced into all her ships in readiness to be turned against us, under the formidable name of shot *à-la-Paixhans*. As on the one hand there is nothing so unteachable as self-sufficiency and over confidence; so on the other the doubts which diffidence inspires tend to promote improvement. Ours is an accidental perfection, if it be perfection at all; a confidence inspired rather by the past achievements of our navy than by any thing in its present condition. It is high time to move in this matter; to introduce into the service a systematic arrangement administered with sternness and energy. We should try to get back to that iron age of our navy which led the way to such brilliant successes. Subordination, assisted by the creation of higher grades, should extend throughout the whole corps. Equality, or republican forms, cannot exist in a navy. There must be an arbitrary rule fixed, not upon individual caprice, but upon the despotism of the

law, which all may understand, but which all must obey. If the discipline be defective, it is partly owing to the absence of higher grades, partly to the insufficiency of our force in commission to keep up a proper school, and employ the whole corps even half the time in activity. Not one fifth part of the officers in the service have ever cruised in ships of the line, the class which would be our main defence in the event of war, and which require in some respects a management peculiar to themselves. Discipline cannot be efficient until the punishment of delinquency shall be in all cases inevitable, freed from the prospect of evasion and restoration to rank through the interference of influential friends. There should be an organic law in the navy, excluding from future return to office any person who had once been dismissed. This would maintain discipline, while it would save time to the delinquent and relieve the government from unpleasant importunity. Cases of individual hardship might occur, but the interests of the service, which are paramount to those of individuals, would be promoted. To the meritorious and faithful officer should be held up the prospect of preferment and the attainment of command ere the age of moral and physical maturity should be past for ever. In all cases where officers are ordered to ships, they should be discouraged in attempts at evasion. Nor should they afterwards be transferred, to please themselves or their commanders, to other ships. Gratification in this respect begets a restless disposition; and creates, on the part of the seamen, a feeling of abandonment, and a desire also for change. No changes, therefore, should take place in the officers of ships when once sent to sea, but such as are occasioned by deaths or casualties; and sick-certificates for returning home should only be awarded under circumstances of rigorous necessity, similar to those which would lead to the drafting of a sailor as an invalid.

The force which we have already named as sufficient to furnish a school of practice, and for the present protection of our extended commerce, is the very least that would serve that purpose in a time of profound peace; not of peace between this and other countries, but between other countries and each other. France and England have already carried their force in commission beyond that which we have given as its extent during the past year, and are each day increasing it by new armaments. We have already adduced reasons sufficiently cogent why our armament should always bear a certain relation to the strength of theirs. If war should break out between these two powers on the one hand and Russia on the other, we should immediately despatch at least six ships of the line and twice that number of frigates to cruise in a phalanx near the scene of conflict, under an officer of high rank and no less elevated character; a

commander not casually chosen because it was his turn to go to sea, whose manners and character might inspire a disgust inconsistent with discipline, and whose past history might entail degradation upon all placed in subjection to him; but rather a commander chosen for the occasion from among the honoured names that figure on our navy list, names ennobled by services to their country when it was the season to render them, equal to past emergencies and equal to any which may arrive. Such a fleet under such a commander would inspire belligerents with a respect salutary both to them and to ourselves. If its errand were asked of its admiral, or through diplomatists, the answer would be a very simple one: to protect the lives and property of our citizens, and to guarantee our neutrality.

We have seen what was the eloquent admonition of the secretary of the navy in 1798, and we have seen how that admonition was neglected; we have seen that it was then announced that "twelve ships of seventy-four guns, as many frigates, and twenty or thirty smaller vessels, would probably be found, our geographical position and our means of annoying the trade of the maritime powers considered, a force sufficient to ensure our future peace with the nations of Europe," and we have seen too the government of that day shrinking from motives of economy from the inconsiderable expense, which would have spared us a subsequent loss of not less than five hundred millions of dollars, including spoliations, wars, suspended commerce, and diverted enterprise; to say nothing of population and prosperity arrested, by the extinction of such enormous capitals, nor of such wide-spread ruin and private misery. From the last troubles entailed upon us by that disastrous neglect of past admonitions, we have just precariously escaped when on the verge of renewed hostilities. The moment is a favourable one for starting on a newer, a safer, and a more honourable career. If past warnings have been neglected, with fatal consequences, let us profit by the lesson to listen to those which are now offered to us. These are not wanting. The president in a recent message has told the representatives of the people, with no less truth than soberness: "I submit it then to you, whether the first duty we owe to the people who have confided to us their power, is not to place our country in such an attitude as always to be so amply supplied with the means of defence as to afford no inducement to other nations to presume upon our forbearance, or to expect important advantages from a sudden assault, either upon our commerce, our sea-coast, or our interior frontier. In case of the commencement of hostilities during the recess of congress, the time inevitably elapsing before that body could be called together, even under the most favourable circumstances, would be pregnant with danger, and, if we

escaped without signal disaster or national dishonour, the hazard of both unnecessarily incurred could not fail to excite a feeling of deep reproach. I earnestly recommend to you, therefore, to make such provisions, that in no future time shall we be found without ample means to repel aggression, even although it may come upon us without a note of warning. In behalf of these suggestions I cannot forbear repeating the wise precepts of one whose counsels should not be forgotten: 'The United States ought not to indulge a persuasion, that, contrary to the order of human events, they will for ever keep at a distance those painful appeals to arms, with which the history of every nation abounds. There is a rank due to the United States among nations, which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be ready to repel it. If we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war.'

In the course of this year in which we write, there will be exposed on the ocean, to the cupidity of armed nations, including ships, freights, exports, imports, and fisheries, American property to the enormous amount of four hundred millions of dollars. Eight millions of dollars taken annually from the sums accruing from taxes on this very property, and expended in the maintenance of a sufficient navy, will afford it the most ample protection. We have seen a half million of dollars spent quite recently, without any remorse, in president-making speeches of four days' length, the subject of which was a navy appropriation of sixty-seven thousand dollars: meantime the people are unanimous in wishing a formidable navy; let their representatives leave to them therefore their proper task, and respond unhesitatingly to their wishes. We have the authority of our present able secretary of war for the assurance that "Our great battle upon the ocean is yet to be fought, and we shall gain nothing by shutting our eyes to the nature of the struggle." It is for congress to decide whether we shall go into it with or without preparation.
